

13 DECEMBER 1946

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1 Friday, 13 December, 1946  
2 - - -  
3

4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.  
11 - - -

12 Appearances:  
13 For the Tribunal, same as before with  
14 the exception of: HONORABLE JUSTICE D. JARANILLA,  
15 Member from the Republic of the Philippines, not  
16 sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 The Accused:

20 All present except OKAWA, Shumei, who is  
21 represented by his counsel.  
22 - - -

23 (English to Japanese and Japanese  
24 to English interpretation was made by the  
25 Language Section, IMTFFE.)

MONTGOMERY

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3  
4 A U S T I N J. M O N T G O M E R Y, called as a  
5 witness on behalf of the prosecution, resumed  
6 the stand and testified as follows:

7 THE PRESIDENT: Counselor.

8 MR. S. OKAMOTO: May I have the last question  
9 and answer read back?

10 (Whereupon, the official court reporter  
11 read as follows:)

12 "Q. What I wish to ask you was the time consumed  
13 since the ship left port to the time you actually  
14 evacuated the ship?

15 "THE MONITOR: In other words, the actual  
16 sailing time of the ship.

17 "A. Right. We left Manila about two o'clock  
18 in the morning of the 14th. We evacuated the Oryoku  
19 Maru at approximately ten o'clock the morning of  
20 the 15th.

21 "THE PRESIDENT: We had that already. Are  
22 you likely to be much longer?"

23 MR. S. OKAMOTO: About ten minutes more, sir.

24 CROSS EXAMINATION (Continued)

25 BY MR. S. OKAMOTO:

MONTGOMERY

CROSS

1           Q    How long after the departure of the ship  
2    was it that the POW's were said to have drunk  
3    their urine?

4           A    The heat in the hold of that ship was so  
5    terrific that men started to pass out within ten  
6    minutes after they were jammed in into these holds.  
7    The circumstances that I described, the slashing of  
8    wrists, the drinking of urine, occurred the morning  
9    of the fourteenth and the night and morning of the  
10   fifteenth.

11           MR. S. OKAMOTO: That is all, sir.

12           THE PRESIDENT: Captain Brooks.

13           CROSS-EXAMINATION (Continued)

14           BY MR. BROOKS:

15           Q    Colonel, at the Davao you said there was  
16    certain work done on military installations in  
17    violation of the rules of land warfare. What was  
18    the nature of the work that was being done?

19           A    We were building a runway on a military air  
20    field.

21           Q    What was the name of this air field?

22           A    So far as I know, the air field had no name.  
23    It was located right near Lasang.

24           Q    Do you know how long that air field had been  
25    in use, whether it had been in use previous to the war?

MONTGOMERY

CROSS

1 A I don't know that.

2 Q Was it used by any civilian type of planes  
3 as well as military?

4 A I knew nothing of the Davao area prior to  
5 my arriving there as a prisoner.

6 Q Now, as to these ships that the prisoners  
7 of war were being transported on, do you know what  
8 type of marking should have been on such a ship?

9 A Well, according to the rules of land war-  
10 fare, it should have been marked with a red cross  
11 or some appropriate mark indicating that it was  
12 carrying prisoners of war.

13 Q And I think you said it had on board others  
14 than prisoners-of-war, isn't that correct?

15 A That is quite correct. It had approximately  
16 a thousand Japanese civilians.

17 Q Now, at Manila, you were discussing certain  
18 piers down there that might have been used closer to  
19 your destination. Were these piers in use at the  
20 time, by shipping, that your contingent arrived at  
21 Manila?

22 A As we came into Manila Bay from Corregidor,  
23 there were spaces available to dock a ship in the port  
24 area.

25 Q Were there any spaces in that area already

## MCINTOSH MONTGOMERY

## CROSS

1 filled with other shipping?

2           A   As I recall it, they had other vessels  
3           tied up at some of the piers.

4 Q Was there any vessels entering and leaving  
5 the area of the piers' within these spaces that were  
6 available that you spoke about?

11 THE WITNESS: We are discussing, your  
12 Honor, the circumstances at the port area.

13 THE PRESIDENT: I understand that you were  
14 landed in barges, is that so?

15 THE WITNESS: That is correct. Yes, sir.

16 THE PRESIDENT: Could you have been landed  
17 in barges near the pier?

18 THE WITNESS: Yes, sir.

19 THE PRESIDENT: There was no need to take  
20 any that roundabout way?

21 THE WITNESS. No. 212.

22 THE WITNESS.

23 BY MR. BROOKS (continued).  
24 Q Do you know whether there were any mines  
25 in this area where these spaces were that you could  
have gone through?

MONTGOMERY

CROSS

1                   THE PRESIDENT: Cross-examination, for its  
2                   own sake, is very seldom profitable, Captain Brooks.

3                   A    The Japanese occupied Manila on January 2nd.

4                   .    This was May 24th. As we know that Manila is a  
5                   large port rather strategically located, it is logical  
6                   to assume that within that period, if there were mines  
7                   around, that they would have removed them.

8                   Q    Colonel, did you ever meet on any of these  
9                   camps you were in any of the members of the high  
10                   command that were referred to as members of the  
11                   high command by the Japanese officers?

12                  A    Let me put it this way: While a prisoner  
13                  in the Philippines, I can recall four inspections.  
14                  The first was by a General MORIMOTO, I believe that  
15                  is correct, that name. I might add that that inspec-  
16                  tion consisted of riding through the camp at Cabana-  
17                  tuan on a horse. It took ten minutes. At that time  
18                  there were dead bodies lying under the barracks  
19                  and in the latrine areas. Whether or not General  
20                  MOKIMOTO was a member of the High Command, I do not  
21                  know; but he was a major-general in their army and  
22                  in charge at that time, I believe, of all of the  
23                  prison installations in the Phillipines.

24                  Q    Had there been any complaints made by your  
25                  administrative staff prior to such inspections?

MONTGOMERY

CROSS

1       A There were complaints made about food,  
2       water, sanitary conditions, and every other phase  
3       about which we had cause to complain.

4                    MR. LEVIN: Mr. President, there will be  
5       no further cross-examination of this witness.

6                    THE PRESIDENT: Mr. Lopez: Yesterday, I  
7       misunderstood something you said, and I told you  
8       you had asked for something you had already received.  
9       That appears from the transcript which I read last  
10      evening. I misapprehended what you said. You were  
11      entitled to ask the question I disallowed.

12       I will now ask the witness whether the Japanese  
13      carried out their threat that if he found the food --  
14      if he did not find the food that had been hidden,  
15      the Americans would be deprived of food until the  
16      food had been discovered to the Japanese?

17       MR. LOPEZ: Mr. President, it was a question  
18      I intended to ask the other witness, Lieutenant  
19      Colonel Fliniau.

20       THE PRESIDENT: Well, whatever witness it  
21      was, I was wrong in not allowing you to question  
22      him, but that is because I misunderstood you, as  
23      clearly appears in the transcript. So if you desire,  
24      you can recall that witness for that purpose.

25       MR. LOPEZ: Thank you very much, your Honor.

MONTGOMERY

REDIRECT

1 Just one more question on this witness, if  
2 your Honor please.

## 3 REDIRECT EXAMINATION

4 BY MR. LOPEZ:

5 Q Colonel, have you made a check of the total  
6 number of survivors as of today of those of you  
7 who boarded the Oryoku Maru way back in December  
8 of 1944?

9 A Yes. Out of the sixteen hundred and fifty  
10 who started on the trip to Japan, approximately four  
11 hundred and fifty arrived in Moji on January 30, 1945.  
12 Of that four hundred and fifty, approximately two  
13 hundred died within two months after arrival in  
14 Japan. If anything, that is a conservative estimate.

15 MR. LOPEZ: That is all for the witness.

16 THE PRESIDENT: Witness is released on the  
17 usual terms.

18 (Whereupon, the witness was excused.)

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1 R. LOPEZ: We submit in evidence IPS  
2 document No. 2742, which is the affidavit of Major  
3 Charles Thomas Brown on mistreatment and improper  
4 conditions at the Tayabas Detail in the summer of 1945.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document  
7 No. 2742 will receive exhibit No. 1456.

8 (whereupon, the document above re-  
9 ferred to was marked prosecution exhibit No.  
10 1456 and received in evidence.)

11 R. LOPEZ: We read from that document the  
12 following: Page 1, the last question and answer.  
13 "Q Outline your medical education and your  
14 previous practice.

15 "I attended Baylor University, School of  
16 Medicine, at Dallas, Texas, and received my M. D.  
17 degree in 1932. Upon graduation I began my interne-  
18 ship at Robert B. Green Memorial Hospital, San Antonio,  
19 Texas, and remained there for one year. I began pri-  
20 vate practice in medicine in 1933 at San Marcos, Texas,  
21 and after practicing for one year there I went on ac-  
22 tive duty with the U. S. Army Medical Corps and I have  
23 remained on active duty as an officer in the Army  
24 Medical Corps since that time."

25 Page 2, all but the last two sentences of the

24 These .

25 weeks having been picked .

1 last answer:

2           "On 19 June 1942 the Japanese ordered the  
3 Senior medical officer at Eilibid Prison, Manila, to  
4 furnish two medical officers and four medical corpsmen  
5 to go on detail. I volunteered to go on this requested  
6 detail. At that time thirty dying Americans had been  
7 brought into the prison hospital by the Japanese and  
8 we were told that other men were dying and hence the  
9 necessity for sending medical personnel to the suffering  
10 prisoners on the work detail. On or about the morning  
11 of 20 June, Captain Paul Ashton and four medical de-  
12 tachment corpsmen, whose names I do not now recall,  
13 and I were taken by truck to the province of Tayabas  
14 in southern Luzon to a point twenty kilometers from a  
15 town called Calauag. We arrived there at night and  
16 found on a small creek bed about three hundred American  
17 soldiers, sailors and marines in most pitiful conditions,  
18 some at the point of death, three already dead, and the  
19 living suffering from malaria, dysentery and malnutri-  
20 tion. The Japanese furnished us no medical supplies  
21 and Captain Ashton had only a small medical field  
22 pouch. This was all of the medicine we had. The  
23 Japanese then told us that medicine would come later.  
24 These three hundred men had been here for about three  
25 weeks having been picked at random from the survivors

1 of the 'Death March' at Camp O'Donnell. All were in  
2 poor physical condition when they were taken from Camp  
3 O'Donnell by truck. They were removed from Tayabas  
4 for the purpose of building a road through an almost  
5 impenetrable jungle. When we arrived we were told  
6 that thirty men had already died from dysentery, ma-  
7 laria and exposure, and the survivors were sleeping  
8 on the ground in the rocky creek bed, drinking filthy  
9 water from the creek, and living in the open without  
10 cover. These men were forced to work from daylight  
11 to dark. Men who were almost dead from malaria and  
12 dysentery were forced to work in the sun without  
13 clothing, cover or shoes, with a wheelbarrow, pick  
14 and shovel. Men were frequently beaten by guards for  
15 stopping to relieve themselves. Men too weak to work  
16 were beaten and prodded along by Japanese guards with  
17 pick handles, bayonet scabbards, or any other object  
18 they found around. When we arrived this had been going  
19 on for three weeks. Captain Ashton, who was in charge  
20 of our medical detail, immediately requested the Japa-  
21 nese to allow the medical detachment a free hand and  
22 asked that the dying men be allowed to rest and asked  
23 for supplies. I also interceded with the Japanese at  
24 various times on behalf of the sick. The food at the  
25 time of our arrival might be considered sufficient and

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1           "During the period I was there possibly  
2 fifty men died. I do not remember exactly how many.  
3 Had we been furnished with medical supplies and had  
4 we been able to improve living conditions, many of  
5 these men could have been saved. In my opinion, it  
6 was criminal to send these men to Tayabas from Camp  
7 O'Donnell as they had not received from the privations  
8 of Bataan, and almost all of them had made the 'Death  
9 March' from Bataan."

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1           We submit in evidence IPS document No. 2855,  
2           which is a summary of evidence of JAG Report No. 210  
3           on the transportation of prisoners-of-war under im-  
4           proper conditions from Davao Penal Colony, Mindanao,  
5           to Manila, from June 6 to June 26, 1944.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: Prosecution's document  
8           No. 2855 will receive exhibit No. 1457.

9           (Whereupon, the document above re-  
10          ferred to was marked prosecution's exhibit  
11          No. 1457 and received in evidence.)

12          MR. LOPEZ: We read from that document the  
13          following:

14          Page 1, paragraph 1, sentences 1-7 inclusive:  
15          "Sometime during the first week in June,  
16          1944 between 1,200 and 1,500 American prisoners-of-war  
17          were transported by truck from the Davao Penal Colony  
18          to Davao City. The men were tied together by rope  
19          around their waists and crowded into trucks. They were  
20          blindfolded and required to keep their hands in view.  
21          Many of the sick prisoners and even amputees on crutches  
22          were required to stand during the 25-mile trip. If  
23          it was thought that any of the men were peeking, they  
24          were struck with clubs or rifle butts by the guards.  
25          Many were suffering from beri-beri and during the rough

1 trip their flesh was rubbed raw against the sides of  
2 the trucks. Some men fainted and were held up only  
3 by the rope, tying the prisoners together, and this in  
4 turn, cut off the circulation of blood of the prisoners  
5 near by."

6       Page 1, paragraph 1, the last 10 sentences:  
7       "For the remaining days of the trip the  
8 prisoners were required to stay in the hold. There was  
9 not enough room for them to lie down and it was necessary  
10 for them to sleep in shifts. The only latrine facilities  
11 were a few 5-gallon cans that were lowered into the  
12 hold. As many of the men were suffering from dysentery  
13 and diarrhea they often were forced to relieve themselves  
14 before these latrine cans became available. The hatches  
15 were kept almost completely covered. The men never had  
16 enough water to drink and what was provided was not  
17 completely distilled. The temperature of the hold was  
18 estimated at 120 to 125 degrees Fahrenheit and many  
19 suffered from heat prostration. The food consisted of  
20 small amount of rice and thin soup. Some of the soup  
21 had been made from spoiled meat which probably aggravated  
22 the sickened condition of the men. After the escape  
23 of the two officers, the rations were decreased so  
24 that it was estimated that the Americans received about  
25 one-sixth of the amount received by the Japanese."

1           We offer in evidence IPS document No. 2808,  
2 which is a summary of evidence of JAG Report No. 76  
3 on mistreatment and improper conditions existing at  
4 Bilibid Prison, Manila from May 1942 to February 1945.

5           THE PRESIDENT: Admitted on the usual terms.

6           CLERK OF THE COURT: Prosecution's document  
7 No. 2808 will receive exhibit No. 1458.

8           (Whereupon, the document above re-  
9 ferred to was marked prosecution's exhibit  
10 No. 1458 and received in evidence.)

11           MR. LOPEZ: We read all but the first paragraph  
12 of that document:

13           "a. The cells were grossly overcrowded and  
14 sanitation facilities were non-existent or extremely  
15 crude(Exhibits 1-11). The regular diet consisted of  
16 a maximum of seven hundred to eight hundred calories  
17 a day and during the worst periods, the prisoners  
18 received only two meals a day consisting of one-half  
19 and three-fourths of a canteen cup of rice respectively.

20           "b. The little food actually issued to the  
21 prisoners was often contaminated, resulting in many  
22 cases of dysentery and diarrhea. Beri-beri was also  
23 prevalent. On one occasion eight persons died from  
24 dysentery, no hospitalization having been provided.

25           "c. American prisoners-of-war frequently

1 resorted to eating garbage from the scrap cans and pig  
2 troughs. Captain NOGI, Medical Director, was apparently  
3 responsible for those conditions.

4 "d. American prisoners were beaten with sticks  
5 and baseball bats, often to insensibility. A Major  
6 R.B. Prager, 26th Cavalry, was hanged by the wrists for  
7 sixty hours and a Major Thomas S. Jones of the same  
8 unit for eighteen hours in September and October  
9 1943.

10 "e. About three thousand prisoners slept on  
11 concrete floors without bedding or mosquito nets. There  
12 were three showers for their use.

13 "g. In 1942 a prisoner escaped from Old  
14 Bilibid. Fifteen hundred prisoners were placed on a  
15 diet of straight rice for three months as punishment.

16 "h. On 11 or 12 October 1944 twelve hundred  
17 prisoners were evacuated from Bilibid Prison to the dock  
18 area in Manila Bay which was then subjected to an  
19 Allied bombing raid.

20 "i. On about 19 June 1942, Japanese army  
21 personnel at Old Bilibid Prison confiscated all quinine  
22 and medical supplies brought by prisoners-of-war from  
23 the hospital at 'Little Baguio'.

24 "j. Confiscated Red Cross supplies originally  
25 destined for Allied prisoners-of-war were stored in

1 General YAMASHITA's Headquarters in Manila. The  
2 number of these boxes was estimated to be more than a  
3 thousand.

4 "The above mentioned incidents are merely  
5 representative examples of the uniformly brutal treat-  
6 ment accorded to prisoners-of-war at Old Bilibid by  
7 the Japanese."

8 We introduce in evidence IPS document No.  
9 2795, which is a summary of evidence of JAG Report No.  
10 99 on mistreatment and improper conditions at Caban-  
11 atuan Camp during September 1942 to May 1943.

12 THE PRESIDENT: Admitted on the usual terms.  
13 CLERK OF THE COURT: Prosecution's document  
14 No. 2795 will receive exhibit No. 1459.

15 (Whereupon, the document above re-  
16 ferred to was marked prosecution's exhibit  
17 No. 1459 and received in evidence.)

18 MR. LOPEZ: We read from that document the  
19 following:

20 Page 1, paragraphs 4, 5, and 6.

21 "Living conditions were poor, and sanitary  
22 facilities inadequate. The roofs were wooden frames  
23 covered with nipa grass with a strip of tin along the  
24 peak. Storms blew holes in the roof and the nipa  
25 rotted, but no supplies were provided for making repairs.

1 "Seven men were crowded into compartments 7 x 10 feet,  
2 in which they slept on tiers of bamboo platforms, some  
3 without any blanket. No clothing was provided, and  
4 any extra clothes the prisoners had were taken away  
5 by the Japanese.

6 "The latrines consisted of slit trenches  
7 not more than twenty or thirty feet from the buildings.  
8 Flies swarmed around these latrines and into the  
9 living quarters and mess hall as there were no  
10 screens whatsoever.

11 "Medical supplies were lacking entirely or  
12 provided in such small amounts as to be of no value.  
13 There was enough quinine to treat only about ten  
14 percent of the patients needing it. Supplies of  
15 antiseptics were inadequate and there were very little  
16 sulpha drugs. While the prisoner hospital patients  
17 were forced to sleep on shelves of bamboo poles, the  
18 Japanese hospital patients had hospital beds with  
19 inner-spring mattresses, linen, blankets, and mosquito  
20 bars. While prisoners were dying because of lack of  
21 medicine, the Japanese refused to release adequate  
22 supplies of adrenalin, although there was sufficient  
23 to meet both their needs and those of the prisoners.  
24 Medical supplies from the Gripsholm were unloaded by  
25 prisoners and taken to the Japanese warehouse where

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1 large supplies of aspirin, sulpha drugs, organic  
2 iodine, emetine, bandages, cotton, and adhesive tape  
3 were seen by the prisoners. But despite this vast  
4 supply, the Japanese refused to release adequate  
5 amounts for the treatment of the prisoners."

6 Page 2, paragraphs 1-3, inclusive:

7 "Though the prisoners were so weakened by  
8 malnutrition and inadequate medical treatment that  
9 they were physically unable to perform ordinary  
10 labor, they were forced to do heavy work and beaten  
11 if they collapsed.

12 "Prisoners of war were forced to work on  
13 military installations such as building runways and  
14 digging foxholes.

15 "The prisoners were also forced to submit  
16 to medical experiments at the hands of Dr. NOGI."

17 Page 2, paragraphs 5-6, inclusive:

18 "In order to prevent attempted escape by  
19 the prisoners, the Japanese forced them to sign  
20 pledges not to escape. The squad system of punish-  
21 ment was employed. Under this system the prisoners  
22 were divided into squads of ten. The Japanese announced  
23 that if any prisoner escaped and was not apprehended,  
24 the remaining men in his squad would be executed. If  
25 he were apprehended, he would be executed."

1                    "There were innumerable beatings and tortures  
2 for minor mistakes or infractions of the rules. A  
3 prisoner who joined the wrong group at the noon bell  
4 was slapped on the face with a bamboo stick and then  
5 twenty-six American prisoners were forced to pass by  
6 the prisoner and slap him in the face. Many of the  
7 blows were not sufficiently hard to satisfy the  
8 Japanese guard who was supervising the procedure, and  
9 he required the slapping to be repeated after first  
10 having demonstrated how it should be done. At other  
11 times the prisoners were paired off and forced to  
12 slap each other."

13                    Page 2, last paragraph, third sentence:

14                    "Filipinos threw food to the prisoners, and  
15 when one of the Americans reached over to get the  
16 food, he and three others with whom he shared it were  
17 shot."

18                    We introduce as our next witness, Colonel  
19 Guy H. Stubbs, to testify on the Death March, improper  
20 conditions at Cabanatuan and eleven other Japanese  
21 prisoner of war camps, and on four prison ships.

STUBBS

DIRECT

1        G U Y    H.   S T U B B S, called as a witness on  
2        behalf of the prosecution, having first been  
3        duly sworn, testified as follows:

## 4                    DIRECT EXAMINATION

5        BY MR. LOPEZ:

6        Q        Colonel, will you please give us your  
7        name, rank, serial number and home address?8        A        Guy H. Stubbs, Colonel, Coast Artillery Corps,  
9        015253, Peachbottom, Pennsylvania.10      Q        When did you join the United States Army  
11      for the first time, Colonel?

12      A        7 August 1919.

13      Q        Continuously until the present time?

14      A        Yes.

15      Q        In April of 1942 were you with the American  
16      forces that surrendered at Bataan?

17      A        Yes.

18      Q        Do you know personally the commanding general  
19      of those forces?20      A        Yes, at the time of the surrender I was  
21      on the staff of General King, who commanded our  
22      forces on Bataan.23      Q        What position did you hold on his staff,  
24      Colonel?

25      A        I was coast artillery and anti-aircraft

STUBBS

#### DIRECT

officer on his staff.

Q      What rank did you have then?

A I was at that time a lieutenant colonel.

Q Do you recall Japanese planes raiding Bataan before the surrender?

A Yes, they were overhead almost continuously during the day; sometimes at night. They bombed and strafed and on occasion dropped literature on us.

Q By literature do you mean leaflets?

A They dropped leaflets and newspapers.

Q What was in the leaflets, Colonel?

A They very frequently dropped what we called "surrender passes." These passes contained writing in Japanese on one side and English on the other, in general. The English promised the bearer humane and honorable treatment for himself and any group that would surrender with him. The newspapers generally contained this same promise. In addition to this, about March 15 of 1942 personal messages addressed to General Wainwright were dropped in many places on Bataan. These messages likewise promised General Wainwright and all of his troops humane and honorable treatment if we would surrender. In addition to this the Japanese-controlled radio in Manila dedicated a program to the men on Bataan each evening.

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1 This program, as I recall, was dedicated to the  
2 "brave American and Filipino soldiers on Bataan who  
3 were fighting for what they think a just cause." This  
4 program likewise offered humane and honorable treatment  
5 to all of us if we would surrender. All of these prom-  
6 ises were made in the name of the Imperial High Command.  
7

Q Will you kindly tell us at what kilometer  
post on the Bataan front did you find yourself at  
the actual moment of surrender?

A I was at General King's headquarters,  
which was close to kilometer post 167.

Q Do you know if Major General King made  
any preparation prior to his decision to surrender?

A Yes, he ordered that all passenger-carrying  
vehicles and sufficient gasoline be surrendered intact  
so that his men could be carried in them to their  
concentration camp.

Q Do you know if that order was passed on  
through the line and carried out as directed by  
Major General King?

A That order evidently reached the majority  
of our troops because practically all of the passenger-  
carrying vehicles were surrendered without being des-  
troyed.

Q How many American members of the armed forces  
surrendered on Bataan in April of 1942, Colonel?

STUBBS

DIRECT

1           A    Approximately 11,000.

2           Q    Did you take part in what is now known  
3           as the Death March?

4           A    Yes, I did.

5           Q    Could you kindly describe to the Court  
6           some of the unusual incidents you observed during  
7           the march?

8           A    Among the multitude of such incidents I  
9           saw men shot and bayoneted when they fell by the  
10          roadside and were unable to continue the march.  
11          The first instance of this that I saw was just  
12          below Orani. I saw several between there and  
13          Lubau. At Lubau in the concentration compound I  
14          also saw the Japanese guards start to bury five  
15          Filipinos alive after throwing them into a latrine.

16          Q    Were those Filipinos civilians or soldiers?

17          A    They were soldiers in uniform.

18          Q    Please go ahead.

19          A    At the same place they had a Filipino  
20          spread-eagled staked on the ground. He was un-  
21          conscious when I saw him but I am sure that his  
22          hip joints were dislocated from having his legs  
23          spread as far as they were. His friends said that  
24          he was being punished for wearing a Japanese helmet  
25          which he had picked up along the road.

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1           Also at Lubau I saw a Filipino in uniform  
2 come dashing out of the warehouse in which the  
3 Filipinos were confined. This man had to defecate  
4 badly and he did so in the doorway of the warehouse.  
5 A Japanese guard made him eat everything that he  
6 had eliminated.

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w 1        Q    This man whom you had seen during the  
h 2        march bayoneted, had he previously offered any re-  
l 3        sistance or provoked the guards whatsoever?  
e 4

n 5        A    Not in the cases I have mentioned. They  
& 6        were simply so weak that they could not keep up  
S 7        on the terribly long marches. Most of them knew  
p 8        what was awaiting them if they fell, and they con-  
r 9        tinued until they fell unconscious. I did see one  
a 10       man who struck back when a Japanese guard slapped  
t 11       him. He also was killed.

12        Q    Colonel, will you tell us in how many  
13        prison camps you have been since you surrendered?

14        A    I was confined in six permanent camps and  
15        six temporary compounds.

16        Q    Please name the six non-permanent camps.

17        A    The six compounds were Orani, Lubao, San  
18        Fernando, Pampanga. Cabanatuan Town, all on Luzon;  
19        Fort San Pedro in Cebu, and the horse stables in  
20        Moji, Japan.

21        Q    How about the permanent camps?

22        A    Camp O'Donnell, Cabanatuan Camp No. 1,  
23        Bilibid Penitentiary, Davao Penal Colony, Yokkaichi,  
24        Toyama.

25        Q    Yokkaichi is where, please?

      A    Yokkaichi and Toyama in Japan.

STUBBS

CROSS

1           Q    Will you tell us the approximate dates or  
2           the months or year when you were in those permanent  
3           camps, Colonel?

4           A    I was in Camp O'Donnell from the 20th of  
5           April until the 1st of June, 1942; Cabanatuan Camp  
6           No. 1, 2nd of June until the 26th of October, both  
7           1942; I was in Bilibid Penitentiary for about  
8           thirty-six hours in 1942, and for five days in 1944;  
9           Davao Penal Colony from the 8th of November, 1942,  
10           until the 6th of June, 1944; Yokkaichi, Japan, from  
11           the 4th of September, 1944, until the 1st of June,  
12           1945; Toyama from the 2nd of June, 1945, until the  
13           6th of September, same year.

14           Q    In how many prison ships have you been,  
15           Colonel?

16           A    Four.

17           Q    Will you kindly name those ships, if you can?

18           A    I went from Manila to Davao in 1942 on what  
19           I believe was the Erie Maru. I was brought from  
20           Davao to Cebu on a ship whose name I do not know.

21           Q    When was that?

22           A    Sixth of June, 1944, until about the 10th  
23           of June. We came from Cebu to Manila in another  
24           ship whose name I do not know. I came from Manila  
25           to Moji, Japan on the steamship Canadian Inventor.

STUBBS

CROSS

1 That ship took sixty-one days.

2 Q Will you tell the Court the positions you  
3 held not only in the different prison ships, but  
4 also in the different prison camps, please?

5 A At Camp O'Donnell General Bleumel took me,  
6 as one of his assistants, to command a part of what  
7 was known as the air corps group. When the generals  
8 were segregated I became group commander.

9 Q At Cabanatuan?

10 A From the time I commanded the group at Camp  
11 O'Donnell the Japanese apparently had me marked as  
12 a commanding officer of prisoners. I tried repeatedly  
13 to get away from that unpleasant duty, but rarely  
14 succeeded. I commanded the first group of 1500  
15 prisoners moved from O'Donnell to Cabanatuan. At  
16 Cabanatuan I commanded a group originally of 2500  
17 prisoners. At Davao I was on administrative work,  
18 ranging from barracks commander to temporary camp  
19 commander from July, 1943 until I left there in  
20 June of 1944. I then commanded a company of 200  
21 prisoners on the move to Manila. In Manila I was  
22 placed in command of a detail of 1024 prisoners  
23 being moved to Japan. I commanded this group on  
24 the trip to Moji, and also was in command at  
25 Yokkaichi and Toyama in Japan.

STUBBS

CROSS

1           Q    How long were you group commander at  
2   O'Donnell?

3           A    About three weeks.

4           Q    Could you tell the Court how many died  
5   at O'Donnell while you were there as camp commander?

6           A    Almost sixteen per cent of the Americans  
7   at Camp O'Donnell died the first five or six weeks.  
8   We had approximately 9500 at Camp O'Donnell at one  
9   time or another.

10          Q    You mean Americans?

11          A    Yes. When I left O'Donnell we had buried  
12   over 1500 in our cemetery.

13          Q    When you were in Cabanatuan as commander  
14   of this group, how many Americans died during con-  
15   finement while you were there?

16          A    Approximately twenty-two per cent or  
17   2000 had died when I left Cabanatuan Camp No. 1.

18          THE PRESIDENT: "e will recess for fifteen  
19   minutes.

20                    (Whereupon, at 1045, a recess was  
21   taken until 1100, after which the proceed-  
22   ings were resumed as follows:)

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STUBBS

DIRECT

D 1 MARSVAL OF THE COURT: The International  
u 2 Military Tribunal for the Far East is now resumed.  
d 3  
a 4 THE PRESIDENT: Mr. Lopez.  
& 5  
E 6 BY MR. LOPEZ: (Continued)  
d 7 Q You stated, Colonel, that twenty-two per  
e 8 cent of the men in Camp No. 1 in Cabanatuan died  
r 9 while you were there?  
10 A Yes.  
11 Q Can you give us the figure of the total  
12 number of men who were concentrated in that par-  
13 ticular area, Camp No. 1?  
14 A There were approximately nine thousand in  
15 the camp at one time or another.  
16 Q Will you tell the Court about food condi-  
17 tions in the camp?  
18 A We were receiving approximately 350 grams  
19 per man per day, of deteriorated rice. The rice  
20 frequently was wormy, contained bullets, glass,  
21 dirt, and was obviously swept off of a warehouse  
22 floor. We also received on the average about thirty  
23 grams, or one ounce, per man per day of vegetables.  
24 The vegetable supplied was frequently kangkong,  
25 which has practically no food value. About twice  
in each month we received a very small issue of  
meat. On one occasion only we had chickens and

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1      eggs.  We received three very small chickens and  
2      either eleven or twelve eggs for each mess hall  
3      feeding five hundred men each.  Japanese photo-  
4      graphers took pictures of the cooks dressing the  
5      chickens for propaganda purposes.

6      Q  How about the food situation in O'Donnell  
7      while you were there?

8      A  At O'Donnell we received approximately  
9      three hundred grams of rice per man per day, about  
10     the same quantity of vegetables as at Cabanatuan.

11     Q  How about water in O'Donnell?

12     A  Men stood in line for hours for a drink of  
13     water at Camp O'Donnell.  This was true throughout  
14     my stay there.

15     Q  As camp commander in Cabanatuan Camp No. 1  
16     did you make any protest against the inadequate  
17     food given you by the guards?

18     A  Yes, almost daily.

19     Q  What came out of your protests?

20     A  Nothing.

21     Q  Specifically tell the Court what was the  
22     duty of the camp commander.

23     A  He was, first of all, an errand boy for  
24     every Japanese civilian and soldier on duty in the  
25     camp.  He, of course, had to wrangle continually

STUBBS

DIRECT

1 with the Japanese about conditions and a multitude  
2 of abuses. He not infrequently got slapped or  
3 beaten for protesting about anything.

4 Q When you protested about the inadequacy of  
5 the food at Cabanatuan what did the Japanese com-  
6 mander of the camp say to you?

7 A He frequently tried to tell me that the  
8 food was not available. We finally organized an  
9 underground through which we received messages  
10 from the outside. Through this I was informed  
11 that the Filipinos would be glad to sell me food  
12 in exchange for an order on the United States govern-  
13 ment for payment later. They preferred an order  
14 from me for later payment to selling to the Japanese  
15 for occupation currency.

16 Q Around the area where the camp was located  
17 was there shortage or abundance of food?

18 A The camp was located in central Luzon,  
19 which is known as the granary of the Philippines.  
20 I was told that there were large herds of cattle  
21 north of us. The owner of these cattle contacted  
22 me in regard to selling for an order on the United  
23 States government. I could not tell all of this  
24 to the camp commander but I did tell him that I  
25 could get food myself if he would allow me to visit

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1 these ranches. He refused to let me contact those  
2 people.

3 Q In the meantime, what food was the com-  
4 mander of the camp, his staff and his guards eating?

5 A They had all of the fresh meat, chickens,  
6 eggs, beer, rice, whiskey and practically every-  
7 thing else that they could use.

8 Q Did you have occasions to see them actually  
9 eat, Colonel?

10 A Yes, we could frequently see them eating,  
11 and we of course saw the supplies in large quanti-  
12 ties being carried into their mess halls, which  
13 were right across the fence from us.

14 Q How often did the supplies of food come  
15 in to the compound?

16 A Trucks came into camp almost daily from  
17 Cabanatuan town. Most of this food was local pro-  
18 duction.

19 Q They were loaded with what?

20 A They brought in all of the rice for the  
21 camp, pigs, chickens, eggs, caribou were led in,  
22 whiskey, beer, some Japanese dried fish, bean  
23 paste, soya sauce -- everything.

24 Q Do you recall if some prisoners were re-  
25 quired to work in the Japanese mess kitchen?

1           A Yes, they used American kitchen police  
2 and these men would frequently sneak in leftovers  
3 from the Japanese mess.

4           Q What leftovers would they bring back to  
5 you?

6           A Mostly left over rice, but frequently  
7 eggs, meat.

8           Q After having been in twelve prison camps  
9 camps and four prison ships, what can you say, of  
10 your own knowledge, of the general treatment of  
11 prisoners-of-war by the Japanese?

12           THE PRESIDENT: Mr. Levin.

13           MR. LEVIN: Mr. President, the witness has  
14 already described the conditions which he has seen and  
15 which he is familiar with. I take it no summary from  
16 him is necessary; therefore, I object to the question.

17           THE PRESIDENT: The objection is very technical.  
18 Nevertheless, we can form our own conclusions. There is  
19 no need for the witness to designate the treatment.

20           MR. LOPEZ: Subject to the learned view of the  
21 Tribunal, I should have liked to get from the witness  
22 his opinion as an expert on prison camps after having  
23 gone through all that experiences.

24           THE PRESIDENT: The objection is upheld. It is  
25 the shortest way of disposing of the matter.

1       Q    Those of you who surrendered and were taken  
2       prisoners, were you accorded the status and treatment  
3       of prisoners-of-war under the Geneva Convention?

4       MR. BROOKS: I object, your Honor. It calls  
5       for a conclusion and invades the province of the Court.

6       THE PRESIDENT: Objection upheld.

7       Q    When you arrived at Camp O'Donnell, Colonel,  
8       do you recall of any speech made by the camp commander?

9       A    Yes. Each group entering Camp O'Donnell was  
10      addressed by the camp commander. This was the Japanese  
11      camp commander, who told us that we were not prisoners-  
12      of-war; that we would be treated as criminal captives.  
13      He said, through his interpreter, that he would enter-  
14      tain no protests of any kind from any of us; further,  
15      that all he wanted to hear from us was a report daily  
16      on how many died so he could keep his record straight.  
17      He added, further, that he didn't care how many died.

18       Q    How about the food in Davao? Was it any  
19      better or worse than in Cabanatuan or Camp O'Donnell?

20       A    At first the food situation at Davao was much  
21      better than anything we had seen so far. It later  
22      deteriorated.

23       Q    What could you say about food and living  
24      quarters on prison ships?

25       A    The prison ships on which I traveled were all

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DIRECT

1 terribly crowded. Food was very inadequate. The  
2 average water ration was approximately 25 ounces per  
3 man per day. We were forbidden to brush our teeth,  
4 wash our hands or faces with water. That prohibition  
5 was also true at Camp O'Donnell and for the first two  
6 months at Cabanatuan Camp 1. I personally had my  
7 first bath, first real bath, four months after the  
8 date of my capture.

9 MR. LOPEZ: That is all for the witness.

10 THE PRESIDENT: Mr. Blewett.

11 MR. BLEWETT: If the Court please.

12 . . . . . CROSS-EXAMINATION

13 BY MR. BLEWETT:

14 Q Colonel, what were the conditions at Bataan  
15 just before the surrender?

16 A Food and medicine were extremely -- in  
17 extreme low supply. The men were all in bad condition  
18 and obviously not in condition to make the long march  
19 which they were required to make.

20 Q Can you tell us what officer, or what rank  
21 officer. arranged for this trip to Manila?

22 A I don't understand which trip is referred to.

23

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STUBBS

CROSS

M 1 Q Who was it that gave the orders for the death  
O 2 march?

R 3 A I have no idea.

S 4 Q Can you tell us under what circumstances that  
W 5 march was arranged for?

o 6 A No.

l 7 Q What was the general state, in so far as the  
f 8 command of the Japanese troops was concerned, just  
9 subsequent to the surrender?

10 A They were apparently well under control. They  
11 certainly had a very similar method of treating us.

12 Q What I would like to obtain, Colonel, if  
13 possible is who actually arranged for this death  
14 march of the Japanese officers.

15 A My impression -- I can give no more -- was  
16 that it came from the highest command in the Philippines.  
17 The Japanese were so secretive that all orders were  
18 given in the name of the Imperial High Command. They  
19 never mentioned a name so far as I heard.

20 Q Well, of course, we understand, Colonel, that  
21 all you know is what you actually saw and heard on the  
22 spot. Now, what were the conditions under which your  
23 own group were informed as to where you were going  
24 and how?

25 A General King was gone. His staff surrendered

STUBBS

CROSS

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22 spot. Now, what were the conditions under which your  
23 own group were informed as to where you were going  
24 and how?

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1 to a Japanese general. We were not told his name but  
2 he was obviously in command of the Japanese tanks. He  
3 had, at that time, taken over our General Hospital  
4 No. 1 for his tank headquarters. He told us that we  
5 would be sent to a concentration camp. He didn't say  
6 where.

7 Q Were you the senior officer, Colonel, on the  
8 trip?

9 A No. General Arnold Funk was the chief of  
10 staff and the senior officer present.

11 Q Do you know whether or not these passenger  
12 cars were used for any American troops?

13 A Yes, they were. The staff alone, in so far  
14 as I know, was placed in passenger cars and started  
15 for Camp O'Donnell. The car in which I rode was wrecked  
16 after approximately two miles and when it was pulled  
17 out of the ditch by the Japanese, the car was taken  
18 together with most of our personal belongings.

19 Q So you left in the car but by reason of the  
20 wreckage you were thus necessitated to walk the balance  
21 of the distance?

22 A Yes, I walked the rest of the way except for  
23 a very short ride in a Jap -- in a truck.

24 Q Do you know, Colonel, what happened to the  
25 balance of the passenger cars, that is, if they weren't

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CROSS

1 all used, that is, the ones that were capable of being  
2 used?

3 A Yes. We saw them being used all over Bataan  
4 by Japanese for hauling their equipment, personnel,  
5 et cetera.

6 Q I assume that you mean later, Colonel, by that,  
7 do you?

8 A Both during the death march and later the  
9 Japanese used our trucks.

10 Q Well, it may be a small point but the  
11 passenger cars which were ordered by General King to  
12 be used for the transportation of American troops,  
13 were they all used for that purpose or for some other  
14 purpose?

15 A So far as I know, only the five cars in which  
16 the staff were started toward Camp O'Donnell were used  
17 for transporting Americans in any way. The others  
18 were used continually for everything else.

19 Q Was there a Japanese officer in charge of  
20 your particular contingent during the march?

21 A No. We were simply herded along the road  
22 and the guards apparently changed about every five  
23 miles and the new guard would take over and continue  
24 to herd the same men along.

25 Q About what was the size of the force of

STUBBS

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1 Japanese that landed on Luzon, if you know?

2 A I don't know, but my estimate at the time  
3 was approximately 85,000 men.

4 Q Now, these particular guards, of what branch  
5 of the service were they?

6 A I don't know, but they were equipped as  
7 infantry men.

8 Q Could you tell from the insignia as to their  
9 branch of the service?

10 A No.

11 Q What was the rank of the officer in charge  
12 of O'Donnell?

13 A His interpreter said that he was a captain,  
14 and, furthermore, that he had been sent there specific-  
15 ally to take charge of the prisoners who may surrender  
16 in the Philippines.

17 Q Was he army, Kempetai, or marine, if you know?

18 A I don't know, but we were told he was army.

19 I never saw him except on the occasion of his initial  
20 speech to us.

21 Q Well, now, am I wrong or right, Colonel, in  
22 the fact that you were in command at O'Donnell?

23 A I was never prisoner commander at O'Donnell.  
24 I was in command of a group.

25 Q I see. That is right. You were only there

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1 three weeks. During that period of three weeks at  
2 O'Donnell, did you make any protests there as regards  
3 food or otherwise?

4 A I protested, of course, to General King and  
5 to his staff, but so far as I know only one American  
6 in that camp was allowed to even approach the Japanese  
7 headquarters. He, I believe, tried to convey our  
8 protest to the Japanese but he said that he had been  
9 reminded that we were not to protest about anything.

10 Q Who was the Japanese camp commander at Davao  
11 while you were there, Colonel?

12 A A Major MAIDA was in command when I first went  
13 there. He was later relieved by a major whose name  
14 was, I believe, TAKASAKI.

15 Q Were these army officers?

16 A Yes.

17 Q What were the guards? What branch of the  
18 service were the guards, generally, in the camps in  
19 which you were confined?

20 A At Camp O'Donnell and Cabanatuan Camp No. 1  
21 they were Japanese Army. Later the Japanese brought  
22 in men who said they were Formosans. These men were  
23 trained, apparently for the first time, at Cabanatuan  
24 Camp No. 1 and from then on they were our -- provided  
25 the majority of our guards until we left the Philippines.

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1 The key men of the guard, however, in all cases con-  
2 tinued to be Japanese.

3 Q Did at any camp the guard consist of military  
4 police?

5 A Not to my knowledge, although these Formosans  
6 were said to be not in the Japanese Army but a type  
7 of civilian guard. They were, however, equipped  
8 almost identically with the Japanese Army and were  
9 provided with machineguns. To all intents and purposes  
10 they were soldiers so far as I could see. As part of  
11 their training at Cabanatuan, the Japanese took these  
12 men up into the hills on raids against what they said  
13 were guerillas. They returned from one of these raids  
14 led by one of their number carrying a Filipino head on  
15 a pole over his shoulder.

16 Q What was the highest ranking officer that  
17 you came in contact with during your -- while camp  
18 commander in any particular camp or all of them. Just  
19 a minute. I will rephrase that question; it is very  
20 complicated. Let it go.

21 What is the highest ranking officer, Japanese  
22 officer, you came in contact with, Colonel?

23 A I saw general officers on, I believe, three  
24 occasions but none of them condescended to speak to  
25 me, and on only one occasion that I know of did they

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1 speak to any prisoner. At Cabanatuan Camp No. 1 an  
2 officer who was said to be General MORIMOTO asked  
3 Colonel Atkinson, who commanded a group, "How are your  
4 men?" Colonel Atkinson replied, "They are very weak."  
5 General MORIMOTO, through his interpreter said, looking  
6 at a row of skeletons, "They need exercise; we will run  
7 them on the road." Other than these three general  
8 officers, the highest Japanese officer whom I saw  
9 and the only ones with whom I spoke in that grade were  
10 lieutenant colonels.

11 Q If the prisons were inspected, what was the  
12 general condition during the inspection period?

13 A Before General MORIMOTO's first inspection  
14 at Cabanatuan Camp No. 1 we were told to clean up the  
15 camp, the men were lined up for inspection, and we were  
16 given an issue of meat. He rode through the camp on  
17 a horse, spoke only to Colonel Atkinson, as I have  
18 said, and went his way. A sergeant, Japanese sergeant,  
19 in headquarters told me that evening that they had  
20 been severely criticized for giving us meat on the  
21 day the general inspected, that he didn't want to see  
22 any such thing again. The camp detail, having been  
23 properly indoctrinated, we, thereafter, on the occasion  
24 of the other two inspections by Japanese generals, got  
25 no better or worse food than ordinarily.

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Q How long did these inspections last ordinarily, Colonel?

3       A   The general, said to be General MORIMOTO, who  
4       inspected Cabanatuan rode through camp on a horse.  On  
5       the second visit he rode down the road in a car.  On  
6       the third inspection by a general, it was at Davao,  
7       they rode into the camp in a car but did get out of  
8       the car for about ten minutes and stood under a  
9       shelter to get out of the rain and then left.  On each  
10       occasion, of course, the inspecting officer spent  
11       considerable time with the camp commander in his office  
12       or quarters.  On two occasions I could see that they  
13       were drinking very considerable sake and eating some  
14       very good looking food.

15 MB. BLEWETT: Thank you, sir. That is all.

16 THE PRESIDEN: We will adjourn until half  
17 past one.

18 (Whereupon, at 1200, a recess was  
19 taken.)

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## 1 AFTERNOON SESSION

2 The Tribunal met pursuant to recess at 1330.

3 G. 1 M A I S H A L O F T H E C O U R T : The International  
4  
5 Military Tribunal for the Far East is now resumed.6 G U Y H. S T U B B S , called as a witness on  
7 behalf of the prosecution, resumed the stand  
8 and testified as follows:

9 M R . S H I M A N O U C H I : Defense counsel SHIMANOUCHI.

10 T H E P R E S I D E N T : Counsel SHIMANOUCHI.

## 11 C R O S S - E X A M I N A T I O N (Continued)

12 B Y M R . S H I M A N O U C H I :

13 Q Did the twelve thousand men -- officers and  
14 men who surrendered at Bataan all participate in the  
15 Bataan Death March?16 A In one way or another all eleven thousand  
17 who surrendered there were, I believe, in that Death  
18 March.19 Q How many motor vehicles were there at the  
20 time of the surrender?21 A I do not know. Many vehicles were destroyed  
22 in action just prior to the surrender, and I do not  
23 know how many there were to begin with. There were,  
24 however, sufficient passenger-carrying vehicles to  
25 have transported all of the men who surrendered by

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1       shuttling the trucks back and forth; I mean using  
2       them for more than one trip.

3       Q    Where were these vehicles located at the  
4       time of the surrender?

5       A    They were scattered all over Bataan. There  
6       was very considerable confusion in our lines as our  
7       troops fell back from the final Japanese attack and  
8       their vehicles were everywhere.

9       Q    What was the area occupied by the American  
10      Army in Bataan?

11      A    At the moment of the surrender, we occupied  
12      only the very southern tip of Bataan on the east  
13      coast. The depth of our area on the east coast was  
14      probably not over four or five miles. Our forces  
15      on the west coast of Bataan had not been attacked  
16      and still held the line from Sasayan Point for a  
17      total depth of twenty-five or thirty miles.

18      Q    At the time of the surrender, where was  
19      the gasoline located?

20      A    Practically all gasoline had been issued  
21      from our dumps and was at that time in the hands of  
22      the units. In other words, it was with the vehicles.

23      Q    Did the American Army Headquarters on Bataan  
24      issue an order to hand over vehicles and gasoline  
25      to the Japanese Army?

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1 A Yes.

2 Q When?

3 A As I recall, twenty-four to thirty-six  
4 hours prior to the actual surrender. I would like to  
5 correct that: The order was given just prior to the  
6 surrender, possibly six to seven hours.

7 Q When were you captured by the Japanese Army?

8 A At General King's headquarters near kilo-  
9 meter post 167 on the southern tip of Bataan.

10 Q When were you captured?

11 A On the morning of the 9th of April, 1942.  
12 I believe that it was about ten or eleven o'clock  
13 that morning that the first Japanese troops entered  
14 our headquarters, and we surrendered to them.15 Q Then when the order was issued to hand over  
16 the vehicles and gasoline to the Japanese Army was  
17 given at around three or four a. m. on the ninth?18 A No, it was prior to that. The surrender was  
19 planned for daylight, the morning of the ninth of  
20 April.21 Q I am inquiring, Mr. Witness, the time when  
22 the order was issued to hand over the vehicles and  
23 gasoline to the Japanese Army?24 A I first heard of the order just after I  
25 returned from--to headquarters, probably around

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1                   midnight.

2                   Q    Did not the American Army destroy its  
3                   military equipment just prior to the surrender,  
4                   its arms and equipment?5                   A    Yes. Most of the equipment was destroyed  
6                   just before the surrender. Some probably were not  
7                   so destroyed.8                   Q    Most of the cars and gasoline were de-  
9                   stroyed, were they not?10                  A    No, I believe not. I saw these cars and  
11                  trucks in use not only just after the surrender,  
12                  but throughout my time in the Philippine Islands.  
13                  For instance, at Marivells Airfield, trucks and  
14                  passenger-carrying vehicles were assembled on the  
15                  field in large numbers for this purpose.16                  Q    After you were captured prisoner at  
17                  around ten o'clock on the morning of the ninth,  
18                  what happened?19                  A    The personnel at headquarters remained in  
20                  that camp under Japanese guard until the following  
21                  morning. We were then taken to General Hospital  
22                  No. 1 in the passenger cars, which I have mentioned,  
23                  and there formally surrendered to a Japanese general  
24                  officer.

25                  Q    During your internment were you able to see

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the outside?

1 A Yes, in general, through barbed wire.

2 Q Was headquarters located near the airfield?

3 A No. It was approximately ten kilometers  
4 from Marivells Airfield and six kilometers from  
5 Cabcaban Airfield.

6 THE PRESIDENT: What assistance do you  
7 hope the Court will get from all these details?

8 MR. SHIMANOUCHI: With respect to the so-  
9 called Death March, I wanted to find out from the  
10 witness whether, according to the arrangement made,  
11 the witness contends that arrangements were made by  
12 United States Army Headquarters to transport prisoners-  
13 of-war on motor vehicles, and I am trying to find  
14 out just what took place.

15 THE MONITOR: I am trying to find out  
16 whether they actually had enough vehicles available  
17 to do that.

18 THE PRESIDENT: He has already answered  
19 fully on that.

20 Q What was the food situation in the American  
21 Army at the time of its surrender on Bataan?

22 A According to the reports of our supply men,  
23 we had three-quarters of a ration for each man on  
24 Bataan at the time of the surrender.

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1           Q    Was it not one-fourth?

2           A    As I recall, the reports at that time were  
3    that we had three-fourths, but these reports were  
4    undoubtedly based on the half-ration which we had  
5    been issuing since the sixth of January.

6           Q    How much food supply was left at the time  
7    of the surrender?

8           A    I do not know, other than the official  
9    reports made to headquarters. There may have been  
10   some food which was not reported.

11          Q    According to official reports, how much  
12    food supply was there left?

13          A    As I have said, I believe three-quarters  
14    of a ration, which was probably based on the half-  
15    ration. I was not in the supply department; there-  
16    fore, knew this only from hearing it in general  
17    conferences and matters of general information.

18          Q    Then I shall inquire about the March in  
19    Bataan. Where was this particular soldier killed,  
20    the one you mention having been beaten by a Japanese  
21    guard and who fought back or resisted?

22          A    As near as I can recall, it was between Orian  
23    and Orani on the east coast of Bataan. That was at  
24    night. I, myself, was in very bad condition from  
25    malaria, and I am not positive of the exact location.

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1           Q    What kind of a place was it? Was it in  
2   the jungles, or in the suburbs, or outskirts of a  
3   city?

4           THE PRESIDENT: You need not answer.

5           Q    How many Japanese soldiers were there in  
6   the neighborhood at that time?

7           A    Probably six or eight.

8           Q    How many prisoners of war were there at  
9   that place?

10          A    Not more than ten within sight.

11          Q    Then I shall inquire about the prison ships.  
12   Were Japanese evacuees also on the ships -- on the  
13   same ships?

14          A    There were some few Japanese, and possibly  
15   one hundred Filipinos on the Erie Maru which went  
16   from Manila to Davao in 1942.

17          Q    Were not Japanese and Filipinos also placed  
18   in crowded quarters?

19          A    They were not crowded on the Erie Maru,  
20   although they did not have what would be called first-  
21   class passage. I saw no Japanese on the other three  
22   prison ships other than our guards and the crew.

23          Q    At the time of the surrender on Bataan,  
24   were you located near a field hospital?

25          THE MONITOR: Were you ever in the vicinity

STUBBS

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1 of a field hospital?

2 A Yes. Our hospital No. 1 was within  
3 several kilometers of our headquarters, and I went  
4 there to surrender to the Japanese general, as I  
5 have said.

6 Q Were there any military installations in  
7 that vicinity?

8 A There were military installations all over  
9 southern Bataan due to the small area available  
10 to us, and many of them were near our headquarters,  
11 some within five hundred meters of the hospital.

12 Q Then one more: Was this field hospital  
13 a low structure?

14 A Part of it was two-story. The rest of  
15 it consisted of one-story buildings, sheds and  
16 tents; and some of the men, I believe, were out in  
17 the open due to the extreme crowding and the large  
18 number of wounded before the surrender.

19 MR. SHIMANOUCHI: Thank you very much.

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1 MR. LEVIN: Mr. President.

2 THE PRESIDENT: Mr. Levin.

3 MR. LEVIN: There will be no further cross-  
4 examination at this time.5 MR. LOPEZ: Mr. President, please, this morning  
6 in my direct examination I overlooked some questions  
7 which I should like to have the permission of the  
8 Court to address them now to the witness as additional  
9 direct examination.10 THE PRESIDENT: Well, if it is important  
11 enough, but you will recollect that it lets in further  
12 cross-examination. However, it is for you to decide.

13 MR. LOPEZ: Yes sir, Mr. President.

14 REDIRECT EXAMINATION

15 BY MR. LOPEZ:

16 Q Could you describe to us, Colonel, the water  
17 situation at O'Donnell while you were there?18 A I said that men stood in line for hours  
19 waiting to get a drink of water at Camp O'Donnell.

20 THE PRESIDENT: Mr. Levin.

21 MR. LEVIN: Mr. President, I would like to  
22 object to that question on the ground, first, that I  
23 believe it has been answered, and if it hasn't been  
24 answered by this witness, I am quite sure it was  
25 answered by Colonel Montgomery.

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REDIRECT

1                   THE PRESIDENT: But this witness speaks  
2 for a different group. The objection is overruled.

3                   Q Continue please.

4                   A This was particularly true of the group  
5 which I commanded where conditions were probably  
6 worse than elsewhere in Camp O'Donnell. We had an  
7 officer on duty at each water hydrant in order to  
8 maintain order in the line.

9                   MR. LOGAN: If the Tribunal please, this  
10 identical question was asked this witness this  
11 morning and he gave as his answer that he stood in  
12 line for hours. It is apparent now that prosecution  
13 is not wishing to ask further questions, but is merely  
14 giving an opportunity to the witness to further  
15 expand his answer.

16                   MR. LOPEZ: I leave it entirely to the sound  
17 judgement of the Tribunal.

18                   THE PRESIDENT: It is not for us to put what-  
19 ever case you have, Mr. Lopez. It is for us to decide  
20 on objections. It does appear that the witness has  
21 substantially covered the ground and that this is only  
22 repetitious. The objection is allowed.

23                   MR. LOPEZ: Mr. President, please.

24                   THE PRESIDENT: Have you any further questions?

25                   MR. LOPEZ: We have, your Honor.

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REDIRECT

1       Q    Do you recall of an incident in Cabanatuan  
2   way back in 1942 involving six American prisoners-of-  
3   war?

4       A    Yes, that was the only time that I saw  
5   prisoners given any semblance of a trial before they  
6   were punished. In many other cases they were beaten,  
7   tortured or executed without, in some cases, even a  
8   hearing; sometimes a short questioning. These six  
9   prisoners had been caught inside the fence with a  
10   quantity of food which had obviously been brought  
11   from outside. They admitted that they had gone through  
12   the fence at night and had returned with the food.  
13   They were first brutally beaten and then tied to a  
14   fence along the road for all of one night and about  
15   half of the next day. They were then marched up the  
16   road, each man having his hands tied behind him, a  
17   Japanese soldier holding the end of the rope with which  
18   he was tied. They were brought into a room in the  
19   guard headquarters, which was directly across the road  
20   and very close to the building in which I lived. What  
21   appeared to be a court consisting of a few officers  
22   and several non-commissioned officers was assembled  
23   in this room. The six prisoners still tied and held  
24   by their guards like dogs on a leash were stood up  
25   against the wall of the room facing me. The court,

STUBBS

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1 if I may call it such, joked, smoked, drank beer  
2 and conversed for about half an hour. The prisoners  
3 so far as I could see or hear, and I am sure I could  
4 have caught it, were not allowed to say a word.

5 Q Were these represented by any Japanese or  
6 American counsel?

7 A Certainly not, so far as I could discern. Half  
8 an hour after the court adjourned all six men were  
9 shot.

10 MR. LOPEZ: That is all for the witness,  
11 your Honor.

12 THE PRESIDENT: Captain Brooks.

13 RECROSS-EXAMINATION

14 BY MR. BROOKS:

15 Q Colonel, the soldiers and officers were  
16 equipped with canteens for carrying water, were they  
17 not?

18 A Yes.

19 Q Did they also not have as a matter of issue  
20 halycon tablets for the treatment of impure water  
21 making it palatable?

22 A I never saw those at that time and I  
23 believe that the only available substance for that was  
24 the chlorinating capsules which we used in lister bags.

25 Q These chlorinated capsules that you speak of

STUBBS

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1        were also items of issue that would have a similar  
2        effect for the treatment of water as the Malycon  
3        tablet, is that not correct?

4        A     Yes, I believe so.

5        Q     And every soldier had those issued as part  
6        of his regular equipment for use in jungle conditions  
7        so he could drink stagnant water by having it treated,  
8        is that not correct?

9        A     No, so far as I know they were issued only  
10      to units, in general, to the mess.

11      Q     And then didn't the units break that down  
12      so that each man had an individual issue in case of  
13      emergency so he could use those tablets?

14      A     That was done for isolated details, but I  
15      doubt that the individual officer or soldier himself  
16      carried them except in rare cases.

17      Q     Did you or any of your men have such capsules  
18      for the purpose of treating water available to you?

19      A     I recall one man who did have such a capsule  
20      on the Death March.

21      Q     Did you have a capsule yourself, then?

22      A     No.

23      MR. BROOKS: That is all.

24      MR. LEVIN: No further cross-examination.

25      MR. LOPEZ: No further questions, your Honor.

1                   THE PRESIDENT: The witness is released  
2 on the usual terms.

3                   (Whereupon, the witness was excused.)

4                   THE PRESIDENT: Do you expect to finish  
5 your phase today, Mr. Lopez?

6                   MR. LOPEZ: I don't think so, your Honor.

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1           We tender in evidence IPS document No. 2830  
2 which is a summary of evidence of JAG Report No. 207  
3 on the mistreatment and improper conditions at the  
4 American Prisoners-of-War Camp at Gapan, which re-  
5 sulted in the deaths of thirty-seven Americans  
6 between May and June 1942.

7           THE PRESIDENT: Admitted on the usual terms.

8           CLERK OF THE COURT: Prosecution's document  
9 No. 2830 will receive exhibit No. 1460.

10           (Whereupon, the document above  
11 referred to was marked prosecution's exhibit  
12 No 1460 and received in evidence.)

13           MR. LOPEZ: We read the entire summary:  
14           "In May 1942, about two hundred American  
15 prisoners-of-war were brought to Gapan and stayed  
16 for a period of approximately two months. During  
17 this time, thirty-seven of them died and were  
18 buried in the cemetery of Gapan. The Americans were  
19 sickly when they arrived, and continued to suffer  
20 from dysentery, diarrhea, malaria, beri-beri and  
21 malnutrition. The Japanese became alarmed at the  
22 high death rate and called in a Filipino doctor.  
23 The Japanese told the doctor not to use medicine  
24 that was useful to the army or civilians. However,  
25 he treated them with medicine of his own. The

1 Americans began to improve and he was prevented  
2 from giving further aid. The prisoners were poorly  
3 clothed, most of them only having an undershirt,  
4 drawers, and sometimes overalls. They were under-  
5 fed, part of the time receiving 'kangkong' leaves,  
6 pigskin, squash, a little dried fish, and an insuf-  
7 ficient amount of rice. The natives were prevented  
8 from aiding the prisoners and were punished when  
9 caught giving them food or cigarettes. The evidence  
10 shows that the Japanese had eggs and meat to eat  
11 and gave the Americans only what was left.

12 "Some of the prisoners worked at the  
13 Japanese garrison and were mistreated if they rested  
14 or asked for more food. Others worked at the Gapan  
15 Bridge at duties difficult to perform because of  
16 their physical condition. Forty or fifty men a day  
17 hauled gravel, stone and sand in sacks for road and  
18 bridge repair. Some of them were required to dig  
19 canals. The prisoners were whipped, slapped and  
20 kicked when they were unable to do the work required.  
21 All of the witnesses agree that the work required  
22 was too strenuous for men in their condition. The  
23 Japanese even refused to allow a priest to visit the  
24 dying prisoners."

25 We offer in evidence IPS document No. 2837

1 which is a summary of evidence of JAG Report No. 72  
2 on the murder of two American captured fliers at  
3 Cebu City in March 1945.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 2837 will receive exhibit No. 1461.

7 (Whereupon, the document above  
8 referred to was marked prosecution's exhibit  
9 No. 1461 and received in evidence.)

10 MR. LOPEZ: We read from that document  
11 the last three sentences of paragraph 1:

12 "Both men were confined at the Cebu Normal  
13 School and on the morning of 26 March 1945 were  
14 taken to a point approximately one hundred and fifty  
15 feet directly east of the southeast corner of the  
16 school building, where a foxhole had been dug.  
17 They were forced to kneel by the edge of the fox-  
18 hole with heads bent forward while a Japanese sergeant  
19 took a saber in both hands, and struck each of them  
20 across the back of the neck. The Americans fell  
21 forward into the foxhole and a Japanese officer  
22 stepped up and fired a number of shots into their  
23 bodies."

24 We present merely for the purposes of iden-  
25 tification IPS document No. 552.

1 CLERK OF THE COURT: Prosecution's document  
2 No. 552 will receive exhibit No. 1462 for identifi-  
3 cation only.

4 (Whereupon, the document above  
5 referred to was marked prosecution's exhibit  
6 No. 1462 for identification only.)

7 MR. LOPEZ: We present in evidence IPS  
8 document No. 552-A which is an English translation  
9 of extracts from a captured booklet entitled,  
10 "Japanese Instructions on How to Interrogate."

11 CLERK OF THE COURT: Prosecution's document  
12 No. 552-A, which is an excerpt from the foregoing, is  
13 given exhibit No. 1462-A.

14 (Whereupon, the document above  
15 referred to was marked prosecution's exhibit  
16 No. 1462-A and received in evidence.)

17 MR. LOPEZ: We read the following extracts  
18 commencing with numeral (2):

19 "(2) Measures to be normally adopted.--  
20 'Torture (COMMON) (embraces beating, kicking, and  
21 all conduct involving physical suffering). It is  
22 the most clumsy method and only to be used when all  
23 else fails. (Specially marked in text). When violent  
24 torture is used change interrogation officers and it  
25 is beneficial if one new officer questions in a

1        sympathetic fashion.

2                "Threats. As a hint of physical discom-  
3        forts to come, e.g. murder; torture; starving;  
4        deprivation of sleep; solitary confinement; etc.  
5        Mental discomforts to come, e.g. will not receive  
6        same treatment as other prisoners of war; in event  
7        of exchange of prisoners he will be kept till last;  
8        he will be forbidden to send letters; will be for-  
9        bidden to inform his home he is prisoner of war,  
10        etc.!"

11                We offer in evidence IPS document No. 2707-F  
12        which is an English translation of an extract from  
13        a mimeographed manual entitled, "Reference on De-  
14        tection and Disposal of Land Mines," issued Septem-  
15        ber 1943 by the Japanese Army Engineer School.

16                CLERK OF THE COURT: Prosecution's document  
17        No. 2707-F will receive exhibit No. 1463.

18                (Whereupon, the document above  
19        referred to was marked prosecution's exhibit  
20        No. 2707-F and received in evidence.)

21                MR. LOPEZ: We read from that document  
22        paragraph 2 on page 2:

23                "It would be advantageous if prisoners-of-  
24        war, natives or animals could be sent ahead as a  
25        precautionary measure, along the route of advance."

1                   We offer in evidence IPS document No.  
2                   2707-R which is an English translation of an ex-  
3                   tract from instructions issued 5 February, year not  
4                   stated, by the Commanding General of the 16th  
5                   Division.

6                   CLERK OF THE COURT: Prosecution's document  
7                   No. 2707-R will receive exhibit No. 1464.

8                   (Whereupon, the document above  
9                   referred to was marked prosecution's exhibit  
10                   No. 1464 and received in evidence.)

11                  MR. LOPEZ: We read the first three para-  
12                  graphs of that document commencing at the numeral 1:

13                  "1. Prisoners-of-war will be \_\_\_\_\_ed  
14                  on the battlefield; those who surrender, who are  
15                  of bad character, will be resolutely \_\_\_\_\_ed in  
16                  secret and counted as abandoned corpses. By  
17                  'Prisoners-of-War' we mean soldiers and bandits  
18                  captured on the battlefield; by 'surrenders' we  
19                  mean those who surrender or submit prior to the  
20                  battle. Prisoners-of-War will be interrogated on  
21                  the battlefield and should be immediately \_\_\_\_\_ed  
22                  excepting those who require further detailed inter-  
23                  rogation for intelligence purposes.

24                  "In the event of \_\_\_\_\_, it must be  
25                  carried out cautiously and circumspectly, with no

1 policemen or civilians to witness the scene, and  
2 care must be taken to do it in a remote place and  
3 leave no evidence.

4 "Malicious surrenderers will be taken into  
5 custody for the time being and after observance of  
6 public sentiments will be \_\_\_\_\_d secretly when  
7 the inhabitants have forgotten about them, or  
8 secretly under pretext of removal to some distant  
9 locality, thus avoiding methods likely to excite  
10 public feeling."

11 We offer in evidence IPS document No.  
12 2707-S which is an extract from instructions dated  
13 3-21 April, 1944, for treatment of prisoners, taken  
14 from a file of miscellaneous orders, belonging to  
15 the TOHIRA Military Police Section, 33 Infantry  
16 Regiment, 16 Division, presumably the Tacloban  
17 Military Police Detachment commanded by a Captain  
18 TOHIRA.

19 CLERK OF THE COURT: Prosecution's document  
20 No. 2707-S will receive exhibit No. 1465.

21 (Whereupon, the document above  
22 referred to was marked prosecution's exhibit  
23 No. 1465 and received in evidence.)

24 MR. LOPEZ: We read from that document  
25 the first and third paragraphs:

1 "No. 6. The treatment of Surrenders.

2 "25. When prisoners are taken, those  
3 who are not worth utilizing shall be disposed of  
4 immediately except those who require further de-  
5 tailed interrogation for intelligence purposes,  
6 according to No. 126 of Part I of the orders con-  
7 cerning important operational matters.

8 "27. Surrenderers found to be malicious  
9 after the interrogations performed on them according  
10 to No. 126 of Part I of the orders concerning im-  
11 portant operational matters will be immediately  
12 killed in secret and will be disposed of so as not  
13 to excite public feeling."

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1                   We offer in evidence IPS document No. 2718,  
2 which is a captured loose handwritten sheet contain-  
3 ing an account of a visit to Mintinglupa Prison in  
4 the Philippines, kept by a specified number of TORII  
5 8th Unit, dated 24 October, year not stated.

6                   CLERK OF THE COURT: Prosecution's document  
7 No. 2718 will receive exhibit No. 1466.

8                   (Whereupon, the document above re-  
9 ferred to was marked prosecution's exhibit  
10 No. 1466 and received in evidence.)

11                  MR. LOPEZ: We read from that document the  
12 following:

13                  Page 1, the full translation:

14                  "On the 24th of October, I visited Minting-  
15 lupa Prison with the commander of TORII (\*9) Unit,  
16 as a guide. The prison is guarded by 2d Lt. TAKE-  
17 SHIBA (\*10) and 20 men of the TORII Unit. Accord-  
18 ing to the story of 2d Lt. TAKESHIBA, there are  
19 2,200 prisoners including doctors, ministers and  
20 constables. The food consists of thick rice gruel  
21 and one or two slices of papaya. Because of lack of  
22 food, deaths average 10 per day.

23                  "I entered with the unit commander into  
24 No. 3 Barracks which had a foul odor. We entered  
25 by using the guard's key. The heavy iron lattice

1 door was opened by a prisoner. The prisoners near  
2 us, upon hearing the command to salute, saluted us.  
3 17 or 18 year-old youths to 60 year-old men were all  
4 ill-smelling.

5 "Because the prisoners were emaciated, their  
6 thighs and ankles were the same size. Even walking  
7 appeared to be an ordeal for them. I have never  
8 seen such thin people. It was truly pitiful. Some  
9 lay on narrow double deck beds covered with mats.  
10 These I learned were dead bodies. On the way out,  
11 we met the corpse carriers. 10 prisoners were seen  
12 carrying the stretchers.

13 "The prison is surrounded with three  
14 barbed wire fences; the center fence is charged with  
15 electricity. The guard towers are placed at various  
16 points. I saw prisoners who were working inside  
17 with iron chains around their legs. The construc-  
18 tion of the entrance to the prison camp is like an  
19 old castle. The flag of the Philippines is hoisted  
20 on the look-out tower. It is surprising to notice  
21 the great contrast between outside and inside.  
22

23 "Visiting is permitted at certain hours.  
24 The visitors are mothers or wives. They carry a  
25 straw sack which appears heavy with presents. The  
anxiety with which a family awaits the release of

1       their loved ones is apparent. I wondered how the  
2       families feel when they see the pitiful state of  
3       their loved ones. For those who have no visitors  
4       or receive no presents, there is only death waiting.  
5       Even though they are foreigners, my heart goes out  
6       to them. The prisoners are Filipinos and Chinese.  
7       There are also a few westerners.

8       "Ye, who are at war, must not lose to the  
9       Allies or our fate will be worse. Certain victory!"

10       We tender in evidence IPS document No. 10-Y,  
11       which is a certificate of Mr. Arthur A. Sandusky  
12       regarding the authenticity of documents 10-B through  
13       10-X, which will be subsequently presented in  
14       evidence.

15       THE PRESIDENT: Admitted on the usual terms.

16       CLERK OF THE COURT: Prosecution's document  
17       No. 10-Y will receive exhibit No. 1467.

18       (Whereupon, the document above re-  
19       ferred to was marked prosecution's exhibit  
20       No. 1467 and received in evidence.)

21       MR. LOPEZ: We offer in evidence IPS document  
22       No. 10-B, which is an American Government note  
23       directed to the Japanese Government through the  
24       Swiss Government, dated 18 December 1941, relative  
25       to the Geneva Prisoner-of-War Convention.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document  
3 No. 10-B will receive exhibit No. 1468.

4 (Whereupon, the document above re-  
5 ferred to was marked prosecution's exhibit  
6 No. 1468 and received in evidence.)

7 MR. LOPEZ: "I read from that document,  
8 paragraph 4:

9 "Although the Japanese Government is a  
10 signatory of the above conventions, it is under-  
11 stood not to have ratified the Geneva Prisoner of  
12 War Convention. The Government of the United States  
13 nevertheless hopes that the Japanese Government will  
14 apply the provisions of both conventions reciprocally  
15 in the above-sense."

16 We offer in evidence IPS document No. 10-C,  
17 which is the Japanese Government note of 4 February  
18 1942 directed to the American Government through the  
19 Swiss Government.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document  
22 No. 10-C will receive exhibit No. 1469.

23 (Whereupon, the document above re-  
24 ferred to was marked prosecution's exhibit  
25 No. 1469 and received in evidence.)

1                   MR. LOPEZ: We read from that document the  
2 quotation in sentence 2 through to the last sentence:

3                   "Japanese Government has informed me: 'first:  
4 Japan is strictly observing Geneva Red Cross Conven-  
5 tion as a signatory state; second: although not  
6 bound by the Convention relative treatment prisoners  
7 of war Japan will apply mutatis mutandis provisions  
8 of that Convention to American prisoners of war in  
9 its power.'"

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1 We introduce in evidence IPS Document No.  
2 10-D which is the American Government note of 14 Feb-  
3 ruary 1942 directed to the Japanese Government through  
the Swiss Government.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document  
6 No. 10-D will receive exhibit No. 1470.

7 (Whereupon, the document above re-  
8 ferred to was marked prosecution's exhibit No.  
9 1470, and was received in evidence.)

10 MR. LOPEZ: We read from that document the  
11 first 13 lines up to the end of (2):

12 "Please request the Swiss Government to inform  
13 the Japanese Government (1) that this Government has  
14 received disquieting reports that there is being  
15 imposed upon American civilians in areas in the  
16 Philippines occupied by the Japanese forces an extremely  
17 rigid and harsh regime involving abuse and humiliation;  
18 (2) that this Government desires to receive from the  
19 Japanese Government assurances either that a thorough  
20 investigation by the appropriate Japanese authorities  
21 has disclosed the incorrectness of these reports or  
22 that immediate and effective steps have been taken to  
23 remedy the situation and to accord to Americans in the  
24 Philippines moderate treatment similar to that being

1 extended by this Government to Japanese nationals  
2 in its territory;"

3 We offer in evidence IPS Document No. 10-E  
4 which is the Japanese Government note transmitted  
5 on 24 February 1942 through the Swiss Government.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document  
8 No. 10-E will receive exhibit No. 1471.

9 ("hereupon, the document above re-  
10 ferred to was marked prosecution's exhibit No.  
11 1471, and was received in evidence.)

12 MR. LOPEZ: We read from that document the  
13 following:

14 "Page 1 and 2, paragraph 2, sentences 3-9  
15 inclusive:

16 "American civilians detained in all Japanese  
17 territories number 134. Conditions applied to them  
18 are more favorable than contemplated by convention.  
19 Their provisioning in bread, butter, eggs, meat, heat-  
20 ing oil, coal and fats assured by Japan. They can re-  
21 ceive from outside gifts of food and clothing. Despite  
22 inconvenience which arrangement presents Japan they  
23 are specially detained in vicinity of residence of  
24 their families in order that latter can see them more  
25 easily. Internees are visited from time to time by

1 doctor and sick persons can consult doctor from outside  
2 and obtain admission subsequently to hospital. They  
3 are permitted to read papers, books, and listen to  
4 Japanese radio and to go out subject to certain restric-  
5 tions if they submit valid reasons."

6 We offer in evidence IPS Document No. 10-F  
7 which is Foreign Minister TOGO's communication of  
8 February 1942 directed to the American Government through  
9 the Swiss Government.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document  
12 No. 10-F will receive exhibit No. 1472.

13 (Whereupon, the document above re-  
14 ferred to was marked prosecution's exhibit  
15 No. 1472, and was received in evidence.)

16 MR. LOPEZ: We read from that document the  
17 following: Page 2, paragraph 1, 5th sentence.

18 "Apprehensions American Government based on  
19 information from unknown sources and citing no exact  
20 facts are therefore without foundation. Japanese  
21 authorities will continue accord facilities to Swiss  
22 Minister for his visits to internment camps."

23 We offer in evidence IPS Document No. 10-G  
24 which is the American Government note of 19 March 1942  
25 informing the Japanese Government of the rations

1 provided for Japanese internees detained by American  
2 forces.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document  
5 No. 10-G will receive exhibit No. 1473.

6 (Whereupon, the document above re-  
7 ferred to was marked prosecution's exhibit  
8 No. 1473, and was received in evidence.)

9 MR. LOPEZ: We read from that document the  
10 following: Page 1, the last seven lines.

11 "(Four) That the following rations are  
12 provided for each Japanese national detained by the  
13 American authorities: In temporary custody of the  
14 Department of Justice: Weight in pounds per day per  
15 individual: Meats and fish, 0.75; Lard and cooking  
16 oils, 0.15; flour, starches and cereals, 0.80; dairy  
17 products, 1.00; eggs 0.03; sugar and syrup, 0.25;  
18 beverages (coffee or tea) 0.10; potatoes and root  
19 vegetables, 1.00; leafy green or yellow vegetables,  
20 0.60; dried vegetables and nuts, 0.10.

21 Page 2, the first ten lines.

22 "Fresh fruits and berries, 0.15; dried fruits,  
23 0.08; miscellaneous food adjuncts, 0.015; spices,  
24 relishes and sauces, 0.10; Japanese food, 0.06032;  
25 Interned in the custody of the War Department: Weight

1       in ounces per day per individual: meat, 18.0; fresh  
2       eggs, one each; dry vegetables and cereals, 2.6; fresh  
3       vegetables, 21.0; fruit, 4.7; beverages, coffee, 2.0;  
4       cocoa, 0.3; tea, 0.05; lard and cooking fats, 1.28;  
5       butter, 2.0; milk, evaporated, 1.0; fresh, 8.0; flour  
6       (wheat) 12.0; sugar and syrup, 5.5; macaroni, 0.25;  
7       cheese, 0.25; spices, relishes and sauces, 0.984;  
8       allowance is made in the preparation of food for  
9       Japanese national and racial preferences,"

10       We offer in evidence IPS Document No. 10-H  
11       which is the American Government note of 3 April 1942  
12       directed to the Japanese Government through the Swiss  
13       Government.

14       THE PRESIDENT: Admitted on the usual terms.

15       CLERK OF THE COURT: Prosecution's document  
16       No. 10-H will receive exhibit No. 1474.

17       (Whereupon, the document above re-  
18       ferred to was marked prosecution's exhibit  
19       No. 1474, and was received in evidence.)

20       MR. LOPEZ: We read from that document para-  
21       graphs marked (one) and (three).

22       "(one) That the American Government has  
23       taken note of the statements of the Japanese Government  
24       regarding the treatment accorded American nationals  
25       in the Philippines."

1                     "(three) That the principal source of dis-  
2     quiet in connection with these reports is the apparent  
3     reluctance of the Japanese Government to permit the  
4     appointment by the International Red Cross Committee  
5     of an appropriate neutral observer to act as the Com-  
6     mittee's delegate in the Philippines,"

7                     THE PRESIDENT: We will recess now for fifteen  
8     minutes.

9                     (Whereupon, at 1445, a recess was taken.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.  
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THE PRESIDENT: Captain Brooks.

4 MR. BROOKS: If the Tribunal please, I would  
5 like to invite their attention on the matter of visits,  
6 to the unread portion in Exhibit 1471 on page 2, and  
7 the unread portion of Exhibit 1472 on page 1, in rela-  
8 tion to visits by the Swiss representatives.

9 THE PRESIDENT: You can draw our attention to  
10 those passages later.

11 Mr. Lopez.

12 MR. LOPEZ: We offer in evidence IPS Document  
13 No. 10-I, which is the American Government note of  
14 21 May 1942 directed to the Japanese Government through  
15 the Swiss Government.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's Document  
18 No. 10-I will receive Exhibit No. 1475.

19 (Whereupon, the document above  
20 referred to was marked prosecution's exhibit  
21 No. 1475, and was received in evidence.)

22 MR. LOPEZ: We read from paragraph 1 of that  
23 document, the second sentence:

24 "This Government must insist on a basis of  
25 reciprocity that Japanese Government take all necessary

1 steps to insure that military commanders and other  
2 Japanese authorities in outlying areas under Japanese  
3 control understand Japanese Government's commitments  
4 respecting Geneva Prisoners of War Convention and  
5 apply its provisions to prisoners of war and civilian  
internees."

6 We tender in evidence IPS Document No. 10-J,  
7 which is the American Government note of 17 November  
8 1942 directed to the Japanese Government through  
9 the Swiss Government.

10 THE PRESIDENT: Admitted on the usual terms.  
11 CLERK OF THE COURT: Prosecution's Document  
12 No. 10-J will receive Exhibit No. 1476.

13 (Whereupon, the document above  
14 referred to was marked prosecution's exhibit  
15 No. 1476, and was received in evidence.)

16 MR. LOPEZ: We read from page 1 of that docu-  
17 ment paragraphs marked 3 and 4.

18 "3. Wife of repatriated official reports  
19 that an American woman at Cebu was raped by Japanese  
20 soldier in full view of husband and children who were  
21 held powerless by other soldiers.

22 "4. Repatriated responsible person states  
23 that two Belgian priests described to him scenes that  
24 they had witnessed in Philippine villages occupied by

1 Japanese Army where Filipino women and girls were being  
2 openly violated in streets by troops."

3 We offer in evidence IPS Document No. 10-K,  
4 which is the American Government note of 12 December  
5 1942 directed to the Japanese Government through the  
6 Swiss Government, protesting against barbarous con-  
7 ditions at Fort Santiago, Santo Tomas, Davao and other  
8 internment camps in the Philippines, of the death  
9 march, and the atrocious conditions at Camp O'Donnell.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's Document  
12 No. 10-K will receive Exhibit No. 1477.

13 Whereupon, the document above  
14 referred to was marked prosecution's exhibit  
15 No. 1477, and was received in evidence.)

16 MR. LOPEZ: We read from that document the  
17 following:

18 Page 1, paragraph 2:

19 "From American citizens repatriated from Japan  
20 and Japanese-controlled territories, the Government  
21 of the United States has learned of instances of gross  
22 mistreatment suffered by American civilians and pris-  
23 oners-of-war in the power of the Japanese Government  
24 in violation of the undertaking of that Government to  
25 apply the provisions of the Geneva Prisoners-of-War-

1 Convention of 1929 to American prisoners-of-war  
2 taken by Japanese forces and, in so far as they may  
3 be adaptable to civilians, to American civilian inter-  
4 nees in Japan and Japanese-controlled territories. It  
5 is evident that the Japanese Government has failed to  
6 fulfill its undertaking in this regard and that some  
7 officers and agencies of that Government have violated  
8 the principles of the Geneva Convention in their treat-  
9 ment of certain American nationals not only by posi-  
10 tive mistreatment but by failure to provide for these  
11 American nationals necessities of life that should,  
12 in accordance with the provisions of the Convention,  
13 be furnished by the holding authorities. The Govern-  
14 ment of the United States, therefore, lodges with the  
15 Japanese Government a most emphatic protest and  
16 expects that the inhumane and uncivilized treatment  
17 accorded American nationals, both civilians and  
18 prisoners-of-war, will be made a matter of immediate  
19 investigation and that the Japanese Government will  
20 give assurances that treatment inconsistent with the  
21 provisions and spirit of the Geneva Convention is not  
22 now and will not in the future be inflicted upon  
23 American nationals detained, interned, or held as  
24 prisoners-of-war in Japan or Japanese-controlled  
25 territory. The American Government also expects the

1 Japanese Government to take necessary disciplinary  
2 action with regard to agents or officers of that  
3 Government who have inflicted mistreatment upon  
4 American nationals or who have neglected their obli-  
5 gations to supply to American nationals in their  
6 care the necessities of life, which the Geneva Con-  
7 vention provides shall be supplied.

8 "There follows a statement citing cases of  
9 mistreatment of American nationals in Japanese hands:

10 "A Civilians.

11 "1. Conditions in prisons and internment  
12 camps.

13 "Americans incarcerated in jails were fur-  
14 nished unhealthful and inadequate rations of common  
15 criminals. Those interned were supplied a meager diet  
16 for which they were sometimes compelled to pay, or they  
17 were given no food and had to provide their sustenance  
18 under difficulties. This situation apparently still  
19 exists in certain areas. It is in direct contrast  
20 to the treatment accorded Japanese subjects in United  
21 States who are provided hygienic quarters with adequate  
22 space for individual needs, sufficient wholesome food,  
23 in preparation of which allowance is made for national  
24 differences in taste, and in addition allowances of  
25 money or tobacco, sweets and toiletries."

1                   Page 3, the last paragraph, all but the  
2                   last sentence:

3                   "4. Fort Santiago, Manila.

4                   "Roy Bennett, Robert Abbott, and other  
5                   Americans are reported to be imprisoned under barbarous  
6                   conditions in Fort Santiago. They were reported  
7                   practically unrecognizable in June as result hardships  
8                   and mistreatment suffered."

9                   Page 4, paragraph 2, first sentence.

10                  "6. Santo Tomas, Manila.

11                  "Americans at Santo Tomas because of lack of  
12                  preparation were forced to sleep on floors without  
13                  mosquito nets or covering for at least three nights  
14                  before they were permitted to obtain necessities from  
15                  their houses."

16                  Page 4, paragraph 3, first sentence.

17                  "7. Davao and other internment camps in the  
18                  Philippines.

19                  "In Davao interned Americans were forced to  
20                  perform hard labor during first six weeks of intern-  
21                  ment."

22                  Page 5, paragraphs 1 and 2.

23                  "From information received conditions other  
24                  internment camps in Philippines appear equally bad.

25                  "The American Government expects that the

1 Japanese Government will take immediate steps to  
2 fulfill its undertaking to furnish American nationals  
3 held by it with suitable and adequate housing and  
4 sustenance under humane and hygienic conditions."

5 Page 8, paragraphs 2 and 3.

6 "B. Prisoners-of-War.

7 "Reports have been received of inhuman treat-  
8 ment accorded prisoners-of-war by the Japanese  
9 authorities which is completely inconsistent with  
10 the provisions and spirit of the Geneva Convention.

11 "I. Philippines:

12 "American and Filipino troops taken at  
13 Bataan were forced to march ninety miles despite fatigue,  
14 sickness and wounds, to Camp O'Donnell near Tarlac.

15 During march sick and wounded dropped by the roadside  
16 and were left without medical care and when those who  
17 survived reached Camp O'Donnell they were without food  
18 for thirty-six hours and without shelter for three days,  
19 sick and well equally exposed to the elements.

20 Japanese authorities made no effort to give medical  
21 care to sick and wounded and American and Filipino  
22 nurses and doctors who volunteered their services were  
23 refused permission to enter camp. Death rate estimated  
24 at twenty-five per cent was the result of this  
25 neglect."

1           We offer in evidence IPS Document No. 10-L,  
2           which is the American Government note of 5 April 1943  
3           directed to the Japanese Government through the  
4           Swiss Government.

5           THE PRESIDENT: Admitted on the usual terms.  
6           CLERK OF THE COURT: Prosecution's Document  
7           No. 10-L will receive Exhibit No. 1478.

8           (Whereupon, the document above  
9           referred to was marked prosecution's exhibit  
10           No. 1478, and was received in evidence.)

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1                   MR. LOPEZ: From that document we read the  
2 last paragraph on page 4.

3                   " The American Government also solemnly warns  
4 the Japanese Government that for any other violations  
5 of its undertakings as regards American prisoners-of-  
6 war or for any other acts of criminal barbarity infli-  
7 cted upon American prisoners in violation of the rules  
8 of warfare accepted and practiced by civilized nations  
9 as military operations now in progress draw to their  
10 inexorable and inevitable conclusion, the American  
11 Government will visit upon the officers of the Japanese  
12 Government responsible for such uncivilized and inhumane  
13 acts the punishment they deserve."

14                   We submit in evidence IPS document No.  
15 10-M which is an undated American Government note  
16 transmitted 5 February 1944 by the Swiss Minister  
17 in Tokyo to the Japanese Foreign Office.

18                   THE PRESIDENT: Admitted on the usual  
19 terms.

20                   CLERK OF THE COURT: Prosecution's docu-  
21 ment No. 10-M will receive exhibit No. 1479.

22                   (Whereupon the document above  
23 referred to was marked prosecution's  
24 exhibit No. 1479 and received in evidence.)

25                   MR. LOPEZ: We read from that document the

1 following:

2           Page 3, paragraph marked Charge V, last  
3 sentence:

4           "In 1942 and 1943, American and Filipino  
5 prisoners-of-war in the Philippines and civilian  
6 internees at Baguio were forced to labor without  
7 shoes and clad only in loin cloths."

8           Page 4, paragraph 3.

9           "Prisoners of war from Corregidor being  
10 taken to Manila were not landed at the port of  
11 Manila but were unloaded outside the city and were  
12 forced to march through the entire city to Bilibid  
13 Prison about May 23, 1942."

14           Page 4, paragraph 5, and the first para-  
15 graph on page 5.

16           "It appears, therefore, that the great  
17 prevalence of deficiency diseases in prisoner-of-  
18 war camps where internees have been solely dependent  
19 upon the Japanese authorities for their food supply  
20 over an extended period is directly due to the  
21 callous failure of these authorities to utilize  
22 the possibilities for a health sustaining diet  
23 afforded by available local products. The respon-  
24 sibility for much of the suffering and many of the  
25 deaths from these diseases of American and Filipino

1 prisoners-of-war rests directly upon the Japanese  
2 authorities. As a specific example, prisoners-of-  
3 war at Davao Penal Colony suffering from grave  
4 vitamin deficiencies could see from their camp  
5 trees bearing citrus fruit that they were not al-  
6 lowed to pluck. They were not even allowed to  
7 retrieve lemons seen floating by on a stream that  
8 runs through the camp."

9 Page 5, paragraph 4, first sentence.

10 "Officer prisoners-of-war have been com-  
11 pelled by Major MIDA, the Camp Commandant at Davao  
12 Penal Colony, to perform all kinds of labor includ-  
13 ing menial tasks such as scrubbing floors, cleaning  
14 latrines used by Japanese troops and working in  
15 the kitchens of Japanese officers."

16 Page 5, last paragraph.

17 "Charge XII. The condition of health of  
18 prisoners-of-war in the Philippine Islands is  
19 deplorable. At San Fernando in April 1942,  
20 American and Filipino prisoners were held in a  
21 barbed-wire enclosure so overcrowded that sleep and  
22 rest were impossible. So many of them were sick and  
23 so little care was given to the sick that human  
24 excrement covered the whole area. The enclosure  
25 of San Fernando was more than 100 kilometers from

1 Bataan and the abominable treatment given to the  
2 prisoners there cannot be explained by battle  
3 conditions. The prisoners were forced to walk this  
4 distance in seven days under merciless driving.  
5 Many who were unable to keep up with the march  
6 were shot or bayoneted by the guards. During this  
7 journey as well as at other times when prisoners-of-  
8 war were moved in the Philippine Islands, they were  
9 assembled in the open sun even when the detaining  
10 authorities could have allowed them to assemble in  
11 the shade. American and Filipino prisoners are  
12 known to have been buried alive along the roadside  
13 and persistent reports have been received of men  
14 who tried to rise from their graves but were beaten  
15 down with shovels and buried alive.

16 "At Camp O'Donnell conditions were so bad  
17 that 2,200 American and more than 20,000 Filipinos  
18 are reliably reported to have died in the first few  
19 months of their detention. There is no doubt that  
20 a large number of these deaths could have been pre-  
21 vented had the Japanese authorities provided  
22 minimum medical care for the prisoners. The so-  
23 called hospital there was absolutely inadequate to  
24 meet the situation. Prisoners-of-war lay sick and  
25 naked on the floor, receiving no attention and too

1 sick to move from their own excrement. The  
2 hospital was so overcrowded that Americans were  
3 laid on the ground outside in the heat of the blaz-  
4 ing sun. The American doctors in the camp were  
5 given no medicine, and even had no water to wash  
6 the human waste from the bodies of the patients."

7 "At Cabanatuan there was no medicine for  
8 the treatment of malaria until after the prisoners  
9 had been in the camp for five months."

10 Page 8, the last two paragraphs and the  
11 first paragraph of page 9:

12 "Charge XVI. At Camp O'Donnell many of the  
13 men had to live without shelter during 1942. In  
14 one case twenty-three officers were assigned to a  
15 shack, fourteen by twenty feet in size. Drinking  
16 water was extremely scarce, it being necessary  
17 to stand in line six to ten hours to get a drink.  
18 Officers had no bath for the first thirty-five  
19 days in the camp and had but one gallon of water  
20 each in which to have their first baths after that  
21 delay. The kitchen equipment consisted of cauldrons  
22 and a fifty-five gallon drum. Camotes were cooked  
23 in the cauldrons, mashed with a piece of timber,  
24 and each man was served one spoonful as his ration.

25 "In late October 1942, approximately 970

1 prisoners-of-war were transferred from the Manila  
2 area to the Davao Penal Colony on a transport  
3 vessel providing only twenty inches per men of  
4 sleeping space. Conditions on the vessel were so  
5 bad that two deaths occurred, and subsequently  
6 because of weakness some fifty per cent of the  
7 prisoners fell by the roadside on the march from the  
8 water front at Lasang, Davao to the Penal Colony."

9 Page 9, last paragraph and all but the  
10 last paragraph of page 10.

11 "Charge XVIII. Prisoners-of-war who were  
12 marched from Bataan to San Fernando in April 1942  
13 were brutally treated by Japanese guards. The  
14 guards clubbed prisoners who tried to get water,  
15 and one prisoner was hit on the head with a club  
16 for helping a fellow prisoner who had been knocked  
17 down by a Japanese Army truck. A colonel who  
18 pointed to a can of salmon by the side of the road  
19 and asked for food for the prisoners was struck  
20 on the side of his head with the can by a Japanese  
21 officer. The colonel's face was cut open. Another  
22 colonel who had found a sympathetic Filipino with  
23 a cart was horsewhipped in the face for trying to  
24 give transportation to persons unable to walk. At  
25 Lubao a Filipino who had been run through and

1 gutted by the Japanese was hung over a barbed-  
2 wire fence. An American Lieutenant Colonel was  
3 killed by a Japanese as he broke ranks to get a  
4 drink at a stream.

5 "Japanese sentries used rifle butts and  
6 bayonets indiscriminately in forcing exhausted  
7 prisoners-of-war to keep moving on the march from  
8 the Cabanatuan railroad station to Camp No. 2  
9 in late May 1942.

10 "At Cabanatuan Lieutenant Colonels  
11 Lloyd Biggs and Howard Breitung and Lieutenant R.  
12 D. Gilbert, attempting to escape during September  
13 1942 were severely beaten about the legs and feet  
14 and then taken out of the camp and tied to posts,  
15 were stripped and were kept tied up for two days.  
16 Their hands were tied behind their backs to the  
17 posts so that they could not sit down. Passing  
18 Filipinos were forced to beat them in the face with  
19 clubs. No food or water was given them. After  
20 two days of torture they were taken away and,  
21 according to the statements of Japanese guards,  
22 they were killed, one of them by decapitation.  
23 Other Americans were similarly tortured and shot  
24 without trial at Cabanatuan in June or July 1942  
25 because they endeavored to bring food into the camp."

1 "After being tied to a fence post inside the camp  
2 for two days they were shot."

3 Page 11, paragraph 2, first sentence.

4 "At the Davao Penal Colony, about April  
5 1, 1943, Sergeant McFee was shot and killed by a  
6 Japanese guard after catching a canteen full of  
7 water which had been thrown to him by another  
8 prisoner on the opposite side of a fence."

9 Page 11, paragraph 5, last sentence.

10 "Mr. R. Gray died at Baguio on March 14,  
11 1942 after being beaten and given the water cure  
12 by police authorities."

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1                   MR. LOPEZ: We offer in evidence IPS document  
2                   No. 10-N which is the American Government note of 21  
3                   June 1944 expressing hope that the Japanese Govern-  
4                   ment could be persuaded to allow Swiss representatives  
5                   to visit internment camps.

6                   THE PRESIDENT: Admitted on the usual terms.

7                   CLERK OF THE COURT: Prosecution's document  
8                   No. 10-N will receive exhibit No. 1480.

9                   (Whereupon, the document above referred  
10                  to was marked prosecution's exhibit No. 1480 and  
11                  received in evidence.)

12                  MR. LOPEZ: We read from page 2 of that docu-  
13                  ment the last paragraph thereof:

14                  "The United States Government continues to  
15                  hope that the Japanese Government will be persuaded  
16                  without further delay to enable the Swiss representa-  
17                  tives to visit all detained nationals of the United  
18                  States wherever detained. There would seem to be no  
19                  reason why the Japanese Government should not permit  
20                  such visits without prejudice to the juridical position  
21                  taken by Japan on the question of representation of  
22                  enemy interests."

23                  We introduce in evidence IPS document  
24                  No. 10-P which is the American note of 11 September  
25                  1944 directed to the Japanese Government through the

1 Swiss Government.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document  
4 No. 10-P will receive exhibit No. 1481.

5 (Whereupon, the document above referred  
6 to was marked prosecution's exhibit No. 1481 and  
7 received in evidence.)

8 MR. LOPEZ: We read paragraph 2 of that docu-  
9 ment:

10 "The Government of the United States has  
11 received from reliable sources that certain American  
12 civilian internees in the Philippine Islands have been  
13 removed from the Los Banos Camp to Fort McKinley where  
14 a major ammunition dump for central Luzon is maintained."

15 We offer in evidence IPS document No. 10-S  
16 which is the American Government note of 10 March  
17 1945 directed to the Japanese Government through the  
18 Swiss Government.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document  
21 No. 10-S will receive exhibit No. 1482.

22 (Whereupon, the document above referred  
23 to was marked prosecution's exhibit No. 1482 and  
24 received in evidence.)

25 MR. LOPEZ: We read from that document the

following:

1                   Page 1, paragraph 2:  
2                   "American prisoners-of-war who survived the  
3                   sinking on September 7, 1944, of a Japanese freighter  
4                   on which they were being transported off the coast  
5                   of Mindanao, Philippine Islands, have made compre-  
6                   hensive reports to the United States Government of the  
7                   conditions under which American prisoners were held in  
8                   the Philippines. These reports further corroborate  
9                   the reports made earlier that the treatment accorded  
10                   to prisoners-of-war in the Philippines has been con-  
11                   sistently cruel and inhumane."

12                   Page 3, the last two paragraphs:

13                   "The abusive, cruel, and inhumane treatment  
14                   which has characterized the administration of prisoner-  
15                   of-war camps in the Philippines is affirmed unanimously  
16                   by prisoners who have escaped from those camps.

17                   "The United States Government demands that,  
18                   in fulfillment of the obligations assumed by the  
19                   Japanese Government with regard to Americans taken  
20                   prisoner-of-war by Japan, that Government take steps  
21                   effectively to prevent the continuation in all Japanese  
22                   prisoner-of-war camps of the inhumane practices that  
23                   have disgraced Japan in its administration of prisoner-  
24                   of-war camps in the Philippines."

1 e tender in evidence IPS document No. 10-T  
2 which is the American note of 6 April 1945 to the  
3 Japanese Government through the Swiss Government.

4 THE PRESIDENT: Admitted on the usual terms.  
5 CLERK OF THE COURT: Prosecution's document  
6 No. 10-T will receive exhibit No. 1483.

7 (Whereupon, the document above referred  
8 to was marked prosecution's exhibit No. 1483 and  
9 received in evidence.)

10 MR. LOPEZ: We read from that document the  
11 following:

12 Page 1, paragraph 2:

13 "The United States Government has received  
14 evidence of the murder by the Japanese authorities of  
15 four American citizens, Carroll Calkins Grinnell,  
16 Alfred Francis Duggleby, Ernest Emil Johnson, and  
17 Clifford Lawrence Larsen, civilian internees in Santo  
18 Tomas Internment Camp, Manila. Mr. Grinnell was the  
19 spokesman of the Santo Tomas Internment Camp."

20 Page 2, paragraph 2, last sentence:

21 "The United States Government further  
22 demands that the Japanese Government shall take all  
23 steps necessary to prevent in any territory under  
24 Japanese control a repetition of such barbarous and  
25 arbitrary deeds which are in utter disregard of the

1 Japanese Government's commitment to apply the humanitar-  
2 ian standards of the Geneva Prisoners-of-War Convention  
3 to interned American nationals in its custody."

4 We offer in evidence IPS document No. 10-U  
5 which is the American note directed to the Japanese  
6 Government through the Swiss Government, dated 19  
7 May 1945.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document  
10 No. 10-U will receive exhibit No. 1484.

11 (Whereupon, the document above referred  
12 to was marked prosecution's exhibit No. 1484 and  
13 received in evidence.)

14 MR. LOPEZ: We read from that document the  
15 following:

16 Page 1, paragraph 2:

17 "The United States Government charges the  
18 Japanese Government with the wanton murder of George  
19 J. Louis at the Los Banos Internment Camp, Philippine  
20 Islands, on January 28, 1945."

21 We offer in evidence IPS document No. 10-V  
22 which is the American Government note of 19 May 1945  
23 addressed to the Japanese Government through the Swiss  
24 Government.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document  
2 No. 10-V will receive exhibit No. 1485.

3 (Whereupon, the document above referred  
4 to was marked prosecution's exhibit No. 1485 and  
5 received in evidence.)

6 MR. LOPEZ: We read from that document the  
7 following:

8 Page 1, paragraphs 2 and 3, and paragraph 1  
9 on page 2:

10 "The brutal massacre on December 14, 1944  
11 of one hundred and fifty American prisoners-of-war at  
12 Puerto Princesa, Palawan, Philippine Islands, by the  
13 personnel of the Ogawa Tai Construction Corps has pro-  
14 foundly shocked the Government and the people of the  
15 United States.

16 "At noon of that day the prisoners who had  
17 been detailed to work on a nearby airfield were re-  
18 called to camp. Following upon a series of air raid  
19 alarms the Japanese guards forced the prisoners into  
20 air raid shelters within the camp compound. The  
21 shelters were tunnels some seventy-five feet long with  
22 openings at each end. About two o'clock in the after-  
23 noon fifty to sixty Japanese guards armed with rifles  
24 and machine guns and carrying buckets of gasoline  
25 and lighted torches, approached the shelters. They

1       emptied the gasoline into the openings of the tunnels  
2       and hurled the blazing torches after it. Violent ex-  
3       plosions followed. The victims, enveloped in flames  
4       and screaming in agony, swarmed from the shelters only  
5       to be mowed down by machine guns or attacked with  
6       bayonets. Four officers who had sought shelter else-  
7       where suffered a similar fate. One of them, emerging  
8       in flames from his retreat, approached a Japanese officer  
9       and pled that the carnage be stopped. He was ruth-  
10       lessly shot down. In order to insure that no living  
11       prisoners remained in the shelters, the guards fired  
12       the tunnels with dynamite charges."

13               Page 2, paragraph 3, first two sentences:

14               "Such barbaric behaviour on the part of the  
15       Japanese armed forces is an offense to all civilized  
16       people. The Japanese Government cannot escape  
17       responsibility for this crime."

18               We offer in evidence IPS document No. 10-W  
19       which is the American note of 8 June 1945 directed to  
20       the Japanese Government through the Swiss Government.

21               THE PRESIDENT: Admitted on the usual terms.

22               CLERK OF THE COURT: Prosecution's document  
23       No. 10-W will receive exhibit No. 1486.

24               (Whereupon, the document above referred  
25       to was marked prosecution's exhibit No. 1486 and  
      received in evidence.)

1                   MR. LOPEZ: We read from that document the  
2 last paragraph on page 2:

3                   "Should the Japanese Government continue to  
4 deprive civilian internees and prisoners-of-war in its  
5 custody of the food necessary to safeguard them from  
6 starvation and maintain them in health, the United  
7 States Government hereby solemnly declares that it will  
8 hold personally and officially responsible for this  
9 crime all of the officials of the Japanese Government,  
10 regardless of position or status, who have participated  
11 therein either through neglect or from wilful intent  
12 and will in due course bring them to judgment. It  
13 solemnly declares that it will visit upon all such  
14 individuals the punishment which is their due."

15                   We offer in evidence IPS document No. 10-X  
16 which is the American Government note of 31 July 1945  
17 directed to the Japanese Government through the Swiss  
18 Government.

19                   THE PRESIDENT: Admitted on the usual terms.

20                   CLERK OF THE COURT: Prosecution's document  
21 No. 10-X will receive exhibit No. 1487.

22                   (Whereupon, the document above referred  
23 to was marked prosecution's exhibit No. 1487 and  
24 received in evidence.)

25                   MR. LOPEZ: We read from page 1 of that

1 document paragraphs 1 to 4, inclusive:  
2

3 "Request Swiss to inform Jap Govt as follows:  
4

5 QUOTE As of July 4, 1945, Japanese civilian internees  
6 held in the United States received daily 4.831 pounds  
7 of food representing 4100 calories. The foods are as  
8 follows, giving first the weight in pounds and second  
9 the caloric content.

10	"Meats & Fish	.4425	442.00
11	"Eggs	.10725	64.00
12	"Milk & Cheese	.56744	302.00
13	"Margarine	.036	1211.00
14	"Fats, other	.05625	230.00
15	"Sugars	.2255	351.00
16	"Cereals	1.234	1888.00
17	"Legumes	.044	73.00
18	"Vegetables	.548	55.00
19	Tomatoes	.05104	5.00
20	"Citrus fruits	.18	36.00
21	"Potatoes	.70	350.00
22	Vegetables, other	.33526	67.00
23	"Fruits, other	.147	44.00
24	"Fruits, dried	.045	72.00
25	"Beverages	.069	— —
	"Miscellaneous	.04317	— —

"The Japanese Government will observe that

the foregoing diet is well balanced.

"Japanese POWS held in the US as of May 3, 1945, were receiving similarly balanced diets. Typical daily menus for POWS are as follows:

"Breakfast: Stewed fruit, wheat cereal, milk, one egg, bread, margarine, coffee. Dinner: Fish, rice, vegetable, vegetable salad, bread. Supper: Soup, meat, macaroni, potatoes, bread, tea. Breakfast: Fresh fruit, hominy grits, milk, bread, margarine, coffee. Dinner: Meat, rice, vegetable, vegetable salad, bread. Supper: Soup, soy beans, potatoes, vegetable, bread, tea."

1        We offer in evidence IPS document No. 2882,  
2 which are transcripts of Allied Station broadcasts  
3 monitored by the Foreign Office in Japan on treat-  
4 ment of Allied prisoners-of-war, consisting of five  
5 pages and recorded between January 24, 1944, and  
6 December 19, 1944.

7        THE PRESIDENT: Admitted on the usual terms.

8        CLERK OF THE COURT: Prosecution's document  
9 No. 2882 will be given exhibit No. 1488.

10       (Whereupon, the document above re-  
11 ferred to was marked prosecution's exhibit  
12 No. 1488 and received in evidence.)

13       MR. LOPEZ: We read from the certificate  
14 covering those transcripts of Seishiro OGAWA the  
15 last seven lines:

16       '"....that during the war enemy radio station  
17 broadcasts were regularly recorded in the Japanese  
18 Foreign Office; that transcripts were regularly  
19 made of those recordings and the transcripts dis-  
20 tributed regularly to all sections of the Foreign  
21 Office and also to the Board of Information, the  
22 Navy Ministry and the War Ministry; that transcripts  
23 of those recordings have been on file with our  
24 office."

25       From page 1 we read the whole transcript

1 of the broadcast:

2 "BBC Jan. 24, 1944 17:00

3 "U.S. GOVERNMENT: ISSUES REPORT ON JAPANESE  
4 ATROCITY.

5 "The United States Army and Navy authorities  
6 have issued an official report on Japanese atrocity  
7 on American and Filipino prisoners at Bataan and  
8 Corregidor in the Philippines. The report is based  
9 on sworn statements by American officers who escaped  
10 from Japanese prison camps. He says that many Ameri-  
11 cans have died from starvation, forced labor and  
12 general brutality. At one camp about 2,300 Ameri-  
13 cans died in April and May of 1942. In another  
14 4,000 Americans died by October 1942. After the  
15 surrender of Bataan in 1942, and in what is described  
16 as the March of Death American prisoners were strapped  
17 and beaten up as they marched in the sun without  
18 food or water."

19 On page 2 we read the entire transcript of  
20 the broadcast:

21 "WASHINGTON: DISCLOSES JAPANESE ATROCITY  
22 BECAUSE RELIEF NOT PERMITTED.

23 "KWID Jan. 29, 1944. 18:00.

24 "White House Secretary Stephen Early made the  
25 disclosure today that the Japanese Government will

1 not permit the United States Government to send  
2 food, material aid, or supplies to United States  
3 and Filipino soldiers now Japan's prisoners-of-war.

4 "This, said Early, is the reason the United  
5 States Government last night authorized the publica-  
6 tions of accounts of Japanese atrocities against  
7 prisoners-of-war. He said this information has  
8 been known for some time by this government, but  
9 it had been withheld while there was any hope of  
10 transmitting relief to the prisoners in Japan's hands.

11 "Early said, 'The time has come for releasing  
12 the factual reports which have been carefully in-  
13 vestigated and authenticated because we can not ex-  
14 pect to get further relief to our prisoners-of-war  
15 now in the hands of the Japanese.'"

16 On page 3 we read the entire transcript of  
17 the broadcast:

18 "SAN FRANCISCO KWID Jan. 29, 1944 7:00

19 "PRISONERS-OF-WAR: JAPANESE ILL TREAT PRISONERS-  
20 OF-WAR.

21 "The Secretary of State, Mr. Cordell Hull,  
22 released a statement of the treatment of prisoners-  
23 of-war in Japanese hands. A great many of them  
24 died of starvation on two Japanese prison camps in  
25 October of 1942. We wrote the statement by

Secretary of State.

2       '"According to the reports of cruelty and in-  
3       humanity it would be necessary to summon the re-  
4       presentatives of all the demons available anywhere  
5       and combine the fiendishness with all that is  
6       (bloody) in order to describe the conduct of those  
7       who inflicted those unthinkable (atrocities) on the  
8       Americans and Filipinos.'"

9        "The escaped American officers in their state-  
10      ment indicated several instances of Japanese at-  
11      rocities. They said that the Japanese forces  
12      sometimes wantonly murdered thousands of American  
13      and Filipino soldiers captured in Bataan and Cor-  
14      regidor in the Philippines.

15 "They stated that at least 5,200 American  
16 soldiers died mostly of starvation at two prison  
17 camps in October 1942. 36,000 American and  
18 Filipino soldiers have been captured in those  
19 campaigns, said Colonel White, former Domestic  
20 Director of the Office of War Information and that  
21 most of the prisoners have been murdered.

22 "PRISONERS-OF-WAR: EDEN REPORTS TO HOUSE OF  
23 COMMONS ON PRISONERS-OF-WAR.

"In London, British Foreign Secretary, Anthony Eden, told the House of Commons, that some thousands

1 of British, Chinese, Burmese and Indian war  
2 prisoners and internees also have died in Japanese  
3 prison camps. He said that specific atrocities have  
4 been told by escapees.  
5

6 "Eden said that British protests have drawn un-  
7 satisfactory results from Japan. He said that the  
8 Japanese were violating not only International Law  
9 but all human, decent civilized conduct. He  
10 warned the Japanese Government that in time to come  
11 the record of their military atrocities in this  
12 war will not be forgotten."

13 On page 4 we read the first transcript of  
14 the broadcast.

15 "Kwid Jan. 29, 1944 8:00

16 "JAPANESE ATROCITIES: DESCRIPTION GIVEN.

17 "Here are some of them, factually based upon  
18 the personal experiences and observations of the  
19 three escaped officers.

20 "Prisoners reduced in weight from 200 pounds  
21 to 90 pounds in some cases. Some of them found  
22 with Japanese money or souvenirs on their persons  
23 were beheaded or bayoneted. A few American and  
24 Filipino men were buried alive. Numerous prisoners  
25 were beaten, whipped, and shot when they begged for  
food and water."

1       "Many were forced to strip naked for hours in  
2       the hot sun. Many of them were forced on long marches  
3       without food or water, and made to do labor when  
4       they were not physically able to do so. Some bodies  
5       of the soldiers were run over by Japanese trucks.  
6

7       "HULL: MAKES STATEMENT ON JAPANESE ATROCITY  
8       TO PRISONERS.  
9

10       "Secretary of State Cordell Hull made the fol-  
11       lowing formal statement:  
12

13       "Mr. Hull said that repeated protests have been  
14       lodged with Tokyo but to no apparent avail.  
15

16       "He said that it is not known what happened  
17       to the food and supplies previously sent to the  
18       prisoners aboard the liner 'Gripsholm.'  
19

20       "He said that efforts, nonetheless, will be  
21       continued to obtain release of war prisoners.  
22

23       "He said this government is assembling all  
24       possible facts concerning Japanese treatment of  
25       war prisoners, and it intends to seek full punish-  
ment of the responsible Japanese authorities."

26       On page 6 we read the entire transcript of  
27       the broadcast:  
28

29       "Oct. 23, 1944.  
30

31       "MacARTHUR'S WARNING.  
32

33       "Army News Service.  
34

1  
2        "MacArthur's GHQ, October 22, -- General MacArthur  
3        issued a warning to the Japanese military leaders  
4        that as commander-in-chief of the American invasion  
5        forces, he will hold the enemy leaders immediately  
6        responsible for any failure to accord prisoners and  
7        internees proper treatment. MacArthur addressed his  
8        warning to the Japanese Field Marshal, Count  
9        TERUAUCHI, who is commander-in-chief of the Jap-  
10        anese military forces in the Philippines.

11        "The General said the surrender of the United  
12        States and Philippine forces in previous campaigns  
13        was made with the belief that they would receive  
14        the dignity and honor and protection of military  
15        prisoners as provided by the rules and customs of  
16        war. Since then unimpeachable evidence has been  
17        received of the degradation and even brutality to  
18        which these prisoners have been subjected in vio-  
19        lation of the most sacred code of martial honor."

20        THE PRESIDENT: We will adjourn until half  
21        past nine on Monday morning.

22        (Whereupon, at 1600, an adjournment  
23        was taken until Monday, December 16, 1946, at  
24        0930.)

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